



# **Pratt** MUNSON

COLLEGE OF ART AND DESIGN

**STUDENT HANDBOOK 2024-2025**

# Table of Contents

1	I	Introduction
2		Directory
3		General Campus Information
4		Academic Research
6		Diversity, Equity, Inclusion, and Belonging (DEIB)
7	II	Student Rights and Responsibilities
7		Family Education Rights and Privacy Act (FERPA)
7		Grievances
8		Academic Integrity Code
10	III	Student Policies
10		Code of Conduct
19		Student Life
21		Residence Life
25		Commerical Activities or Soliciting
26		Campus Safety
32		Leaves of Absence
32		Expenses and Financial Aid
32		Registration and Academic Policies
33		Sex Discrimination, Sex-Based Harassment, and Sexual Misconduct Policy (Title IX)
60		Appendix A

Images:

Cover: Jennie Sherman; Table of Contents: Sive Hourigan

# INTRODUCTION

## Welcome to Pratt Munson!

By choosing Pratt Munson for your undergraduate education, you've joined a vibrant community of artists, designers, and creative thinkers. Here, you'll find a close-knit environment that fosters collaboration and provides the perfect setting for artistic growth. Our intimate campus allows you to receive personalized attention from our dedicated faculty while building strong relationships with your peers.

Pratt Munson is more than just a school of art. Here, you'll have the unique opportunity to study our extensive Munson Museum of Art collection, experience world-class performances, and explore special exhibitions. But your education doesn't stop there. Take advantage of Munson Community Art classes to expand your skills—learn to sew, create jewelry, or try your hand at ceramics. Get involved in student organizations, whether it's hiking in the Adirondacks or joining a gaming club, there's something for everyone.

Don't forget to explore Utica, a city with a flourishing arts scene. Engage with local galleries and cultural institutions, and enjoy the city's diverse and delicious culinary offerings.

Expect to be challenged, to take risks, and to discover new passions along the way. At Pratt Munson, we believe that a truly great art education goes beyond mastering technical skills—it's about nurturing your curiosity, developing critical thinking, and empowering you to make a meaningful impact through your work.

We can't wait to see the incredible things you will accomplish at Pratt Munson!

Suzanne Snyder  
Dean, Pratt Munson College of Art and Design

# Directory

Munson	
Museum/General Information .....	315-797-0000
Pratt Munson (toll free) .....	800-755-8920
Studio Building Reception Desk	
Studio Building .....	315-797-8260
Campus Safety Office (Business) .....	315-927-8649 ext. 2175
Campus Safety EMERGENCY .....	315-927-8681 ext. 4444
Campus Safety (Direct line) .....	315-724-2670
Admissions Office .....	
Administration Building .....	315-927-8606
Campus Store	
Student Center .....	315-927-8595
Mental Health Counselor .....	315-927-8642
Student Life Office	
Chair of Academic Affairs	
Administration Building .....	315-927-8614
Dean of the School of Art and Design	
Administration Building .....	315-927-8612
Financial Aid Director	
Administration Building .....	315-927-8608
Information Technology	
Academic Building 203 .....	315-927-8583
Library Services	
Academic Building .....	315-927-8586
Registrar	
Administration Building .....	315-927-8607
Residence Life Coordinator	
Student Life Building .....	315-927-8645
Student Accounting	
Museum Building .....	315-927-8512
Student Life Assistant Director	
Student Life Building .....	315-927-8647
Student Life Director/Title IX Coordinator	
Student Life Building .....	315-927-8646
Student Activities and Leadership Coordinator	
Student Life Building .....	315-927-8648

# General Campus Information

## Campus Store

The Campus Store is located in the Student Center. The store carries a full range of art supplies, personal items, Pratt Munson merchandise, and more. Hours of Operation: Monday through Friday, 10 a.m. to 5 p.m. during the fall and spring semesters. For any questions or requests, please call 315-797-0000 ext. 2227.

## Reception Office

The Studio Building Reception Office is located on the first floor of the Studio Building at 503 William St. and is open to the public and mail carriers. This is a general information desk and the package pickup point for all students. Drawing and jewelry supplies, including large paper and metals needed for studio class, may be purchased here. Hallway storage lockers may be requested here, as well. Student mailboxes and a micro-market vending room are located across the hall from the Reception Office.

## Galleries

The Pratt Munson Gallery, located on the second floor of Fountain Elms, awards exhibitions to highly qualified artists working in a range of media. Throughout the year, the selected exhibitions support the Pratt Munson College of Art and Design current students and provide cultural enrichment to the surrounding community.

The Clyde McCulley Student Gallery, located at 14 Cottage Place and named for Dr. Clyde McCulley, retired Dean of the School of Art, exhibits student work for two-week periods throughout the academic year. The gallery is operated by a committee of students, staff, and faculty advisors.

## Admissions

The Admissions staff devotes considerable time to recruiting highly motivated, talented students from a variety of backgrounds, regardless of age, sex, gender, sexual orientation, religion, race, color, creed, national origin, or disability. The Admissions committee bases its decisions on a careful review of all credentials submitted by the applicant. After a student is accepted, the Pratt Munson staff continues to provide the student with support services. The associate director of Admissions and Registrar serve as the International Students' Designated School Officials (DSO).

## Information Technology

The IT department offers a multitude of support to all of our students. The team is made up of skilled and knowledgeable individuals that can and will provide students with any technical support they need. Besides technical support, the IT department is also responsible for equipment sign-out. Students can check out audio, photo, and video equipment from the IT office to use for curriculum assignments and special projects. The office is located in the Academic Center on the main floor across from the computer labs. Office hours vary; however, for faster support, contact them via the helpdesk system by sending an email to [help@mwpaiedu.on.spiceworks.com](mailto:help@mwpaiedu.on.spiceworks.com).

# Munson Community Arts

## Community Arts

Pratt Munson students in good standing may enroll in any adult community class at a reduced rate of 50% of the listed price. Pratt Munson students are always a welcome addition to the non-credit classes. Students are not permitted to utilize classroom or studio spaces during scheduled Community Arts courses. All schedules are posted outside of each classroom and studio.

The School of Art program for Community Arts, founded in 1941, offers part-time, non-credit instruction for beginning, intermediate, and advanced students. All classes are taught by academically qualified, active, professional artists in the finest studio facilities in Central New York. Sessions are available in fall, spring, and summer.

For a current listing of courses and policies regarding cancellations, please visit [munson.art/community-arts](http://munson.art/community-arts).

# Academic Research

## Library

The Pratt Munson Library offers an extensive collection of art books, independent and international films on DVDs, and world music CDs for you to borrow for your class assignments or entertainment. The collection includes more than 32,000 visual and fine arts books, 2,500 independent and educational films on DVD, 20 current periodical subscriptions, 2,250 music CDs, and 170 full and partial text, image, and streaming video databases. Items may be borrowed and renewed for generous loaning periods. The Library features resources on 19th-, 20th-, and 21st-century artists from around the world. This includes art movements, art theory and aesthetics, and scholarly publications on artists of diverse ethnicities, gender identities, and mediums throughout history. There is no cost to borrow from the Library. Interlibrary loan services are also available, free of charge, for your requests of books and articles from outside libraries, nationally and internationally.

You can obtain personalized research assistance with your class assignments from the professional Library staff. They are happy to help you search the catalog and databases as well as provide you with training on computer equipment and software applications. The Library catalog is available at <https://www.prattmunson.edu/library>. Database login information is available on-site.

Your student photo identification card serves as your Library card and should be presented when borrowing materials. Fines are owed for any items that are returned late. Library materials not returned within 30 days of their due date will be presumed lost and the student is responsible for the full replacement value of the item plus a processing fee.

You can make color and black-and-white prints, copies, or scans using your PaperCut account in the Library. In addition to being a wireless environment, Mac and PC computers are available for your use and all offer Google Chrome, Word, and PowerPoint. DVD players are available to borrow or use in the Library.

Free writing assistance services are available to you in the Writing Lab in the Library. There are study tables throughout the Library as well as a lounge where you are welcome to study, visit with friends, enjoy your snacks and beverages, or watch movies in a relaxing environment. Artist opportunity information on international residencies, exhibitions, and employment is posted in the Library and regularly updated.

The Library is on the second floor of the Academic Building at 510 Henry St. and is open year-round. Throughout the academic year, you have access to all Library resources and services seven days a week: Monday through Thursday from 9 a.m. to 9 p.m., Friday from 9 a.m. to 5 p.m., Saturday from noon to 5 p.m., and Sunday from 3 to 8 p.m. Extended hours are available during final critique and exam periods. Your questions are welcome at [library@prattmunson.edu](mailto:library@prattmunson.edu), at 315-797-0000 ext. 2123, or in person at the iDesk.

### **Writing Lab**

The Writing Lab is a student-centered, friendly, and welcoming place that offers a range of services designed to support students at every stage of the writing process. Staffed by encouraging and supportive faculty members, the Lab provides personalized assistance to help students enhance their writing skills and achieve academic success. Among the key services offered are one-on-one writing consultations where faculty tutors discuss writing assignments, provide feedback, and help develop strategies for improvement. The Lab also offers detailed draft reviews, focusing on structure, clarity, argumentation, and adherence to assignment guidelines. Additionally, students can receive help with grammar, punctuation, and stylistic issues to ensure their writing is clear and polished.

For research support, the Writing Lab provides guidance on finding and integrating scholarly sources, as well as assistance with proper citation practices.

Dedicated to fostering a supportive and collaborative environment, the Writing Lab helps students develop their writing skills and gain confidence in their abilities.

# Diversity, Equity, Inclusion, and Belonging

*At Munson, we believe in fostering equity, celebrating diversity, and actively promoting inclusivity, accessibility, and transparency that works against systemic racism.*

## **Our Values:**

We view artistic expression as an essential way to encourage diverse participation, thought, and action

We believe our strength lies in the broad range of people who contribute their time and talents to Munson.

We encourage self-reflection and a willingness to be accountable in order to build respect among one another.

We aim to be an informed and welcoming place that is reflective of the community we serve with passion, understanding, and encouragement

We commit to building and maintaining an environment where our employees, students, trustees, interns, and volunteers embrace and reflect these values everyday.

We are at our best when everyone feels respected, included, and valued.

# STUDENT RIGHTS AND RESPONSIBILITIES

## **Family Educational Rights and Privacy Act (FERPA)**

FERPA grants Pratt Munson students specific rights regarding their educational records:

**Right to Review Records:** Students can review their educational records within 45 days of submitting a written request to the Registrar, Dean, department head, or appropriate official. The student will be informed when and where to view the records.

**Right to Request Changes:** If a student believes their record is inaccurate, they can request a correction by writing to the relevant Pratt Munson official. If the request is denied, the student has the right to a hearing.

**Right to Control Disclosure:** Students can control who sees their records. However, Pratt Munson can share information with school officials who need it for legitimate educational reasons or release “directory information” without consent. Directory information includes basic details like name, contact info, major, and attendance dates.

## **Student-Faculty Grievances and Academic Rights**

Pratt Munson upholds the right to a respectful, fair academic environment. Faculty are expected to foster free discussion, inquiry, and expression in their classrooms. Student performance should be evaluated solely on academic criteria, not on personal opinions or unrelated conduct.

Students have the right to question or take exception to ideas or views presented in courses, while still being responsible for learning course material and meeting academic standards. If a student feels they have been unfairly evaluated or experiences unnecessary conflict, they should first attempt to resolve the issue directly with the faculty member. If unresolved, they may report the matter to the Dean for further discussion to seek a fair solution.

If these steps do not resolve the issue, students have the right to file a formal grievance with the Bias Committee or through Pratt Munson’s Sex Discrimination, Sex-Based Harassment, and Sexual Misconduct Policy (Title IX) if protected rights may be involved. Students are assured protection from biased or capricious grading through these established grievance procedures.

## **Academic Integrity Standards**

At Pratt Munson, students, faculty, and staff do creative and original work. This is one of our community values. Academic integrity at Pratt Munson means using your own and original ideas in creating academic work. It also means that if you use the ideas or influence of others in your work, you must acknowledge them.

***At Pratt Munson,***

***We do our own work,***

***We are creative, and***

***We give credit where it is due.***

## **A. ACADEMIC INTEGRITY CODE**

When students submit any work for academic credit, they make an implicit claim that the work is wholly their own, completed without the assistance of any unauthorized person. These works include, but are not limited to: exams, quizzes, presentations, papers, projects, studio work, process work, and other assignments and assessments. Students may study, collaborate, and work together on assignments at the discretion of the instructor. If a student is in doubt as to what constitutes plagiarism, consulting their instructor at the beginning of a project is key.

Examples of infractions include, but are not limited to:

- ➔ Plagiarism, defined as using the exact language or a close paraphrase of someone else's ideas without citation.
- ➔ Violations of fair use, including the unauthorized and uncited use of another's artworks, images, designs, etc.
  - ie. tracing another artist's image from social media
- ➔ The supplying or receiving of completed work including papers, projects, outlines, artworks, designs, prototypes, models, or research for submission by any person other than the author.
- ➔ The unauthorized submission of the same or essentially the same piece of work for credit in two different classes.
- ➔ The unauthorized supplying or receiving of information about the form or content of an examination.
- ➔ The unauthorized use of AI in class assignments at any stage of the creative process.
  - Use of AI in the classroom is up to the discretion of the instructor and should always be cited.
- ➔ The supplying or receiving of partial or complete answers, or suggestions for answers; or the supplying or receiving of assistance in interpretation of questions on any examination from any source not explicitly authorized. (This includes copying or reading of another student's work or consultation of notes or other sources during an examination.)

For academic support, students are encouraged to seek assistance from the Writing Lab, Pratt Munson Library, or consult with an instructor about other support resources.

## **B. ACADEMIC INTEGRITY CODE ADJUDICATION PROCEDURES**

One aspect of Pratt Munson's student conduct adjudication process is to resolve alleged violations of the Academic Integrity Code, and, if a violation is demonstrated, to render an appropriate sanction. The conduct adjudication process is not intended to be a formal legal process although fundamental fairness applies. This process, educational in nature, has as its goal to protect the rights of individuals while at the same time providing an experience from which they can learn.

### **1. Jurisdiction**

Every attempt is made to resolve alleged infractions at the most local, informal level possible (i.e. the classroom). However, all incidents of academic dishonesty must be reported. Faculty report cases of academic dishonesty through a Retention Form. This information will be retained and shared with Student Life, the chair of Academic Affairs, and the chair of the Academic Advisory Committee (AAC), but it will not become part of a student's transcript.

Cases will be referred to the AAC under the following circumstances:

- ➔ In the case of a second allegation in the same or another course, or
- ➔ When the infraction is judged to be so serious that the maximum penalty available to the faculty member (failure of the course) is deemed to be insufficient.

Cases will be referred to the Chair of Academic Affairs if any party involved in the initial hearing contests the outcome.

If any party involved in the hearing doesn't agree with the outcome, final appeals can be made to the Dean. The Dean's word will be final.

# STUDENT POLICIES

## STUDENT CODE OF CONDUCT

### Overview

Pratt Munson is dedicated to fostering an environment—both physical and intellectual—where community members have the freedom to grow, are challenged to reach their full potential, and are supported as they prepare for professional, civic, and global roles.

The Student Code of Conduct outlines what Pratt Munson expects from its students and what students can expect from the College. Its goal is to balance individual needs with those of the College while respecting personal freedom. By choosing to attend Pratt Munson, students agree to follow this Code, which benefits the institution, its members, and the surrounding community.

### Philosophy and Purpose

The Code is based on the belief that, with the right information and freedom to choose, individuals will act in the best interest of the community. The Conduct Review Process helps students understand why certain behaviors are unacceptable, and sanctions are designed to be educational, restorative, and corrective.

### Guiding Standards

Pratt Munson's Student Code of Conduct is built on four key standards that every community member is expected to uphold:

- ➔ Respect for all students, faculty, staff, the campus, and the surrounding neighborhood.
- ➔ Respect for Pratt Munson's academic mission and integrity.
- ➔ Respect for and compliance with local, state, and federal laws.
- ➔ Respect for Pratt Munson's physical spaces and electronic systems.

### Student Accountability

Students are accountable for violations of the Student Code from the time they are admitted until they either relocate to Pratt Institute or Pratt Munson confirms their dismissal. This includes students on a leave of absence or those who withdraw, as they may still be held responsible for misconduct during that time. A hold may be placed on their re-enrollment pending a hearing and/or fulfillment of sanctions.

### Scope of the Student Code

The Code applies to potential violations on or near Pratt Munson property or at Pratt Munson-related events. Off-campus behavior that threatens the safety of the community, disrupts College objectives, or affects the educational environment may also fall under the Code. Additionally, the College reserves the right to take disciplinary action against students involved in off-campus criminal activity or other violations, particularly if these impact campus safety or the College's reputation and operations.

## **Online and Social Media Activity**

The Code also extends to online and social media behavior. Students can be held accountable for online activities that disrupt the educational environment or harm the College's reputation or operations. Violations may include online harassment, intimidation, threats, or sharing photos or recordings without consent.

## **Accountability for Guests**

Students are responsible for the actions of their guests and visitors and may be held accountable for any violations committed by them.

## **Criminal Charges**

While enrolled at Pratt Munson, students must inform the College if they are charged with a criminal offense. Failure to do so may result in disciplinary action. Students are required to provide documentation related to the charges, regardless of the status of the legal case. Failing to provide this information may lead to a hold on the student's account preventing registration.

## **Student Organizations**

Student organizations are also subject to the Student Code of Conduct and may face charges for policy violations.

# **AUTHORITY OF THE CONDUCT REVIEW PROCESS**

The College's Conduct Review process is overseen by the following individuals:

- ➔ **Dean:** Under the direction of the Munson President, the Dean has ultimate authority over the Conduct Review process, including policy interpretation, procedures, and approval of any changes to the Code.
- ➔ **Student Life Director:** Responsible for managing Residence Life, the Director oversees the conduct codes, adjudication processes, and related procedures. They are tasked with providing leadership, coordination, and policy interpretations for the Student Code of Conduct.
- ➔ **Hearing Officers:** These individuals, through their job roles or authorization by the Director, are responsible for initiating actions on alleged violations of the Code, including investigating complaints and determining appropriate sanctions and/or resolutions.

## **Definitions**

- ➔ **Alleged:** A student, organization, club, or team accused of violating the Student Code of Conduct.
- ➔ **Advisor:** A person who supports a student during a hearing process.
- ➔ **Complainant:** The person or entity, including Pratt Munson, that alleges a violation of the Student Code of Conduct.
- ➔ **Hearing Officer:** A College official authorized to resolve alleged violations and impose sanctions as necessary.

- ➔ Policy: Written regulations and standards adopted by Pratt Munson, found in official publications like the College Catalog and Housing guidelines.
- ➔ Student: Anyone registered for courses at Pratt Munson, including those on a leave of absence or in continuing relationships with the College.
- ➔ Student Organization: Any recognized or unrecognized group of students coming together under Pratt Munson, including clubs.

## **Disciplinary Standing**

The Student Life Office often shares information about a student's disciplinary standing for campus leadership positions or opportunities. While this office provides a student's status, specific departments determine if disciplinary standing affects hiring or educational opportunities.

## **CONDUCT REVIEW EXPECTATIONS AND PROCESS**

### *Expectations for Students and Student Organizations*

- ➔ As members of the Pratt Munson community, students and student organizations must be familiar with and adhere to the Student Code of Conduct and the College's behavioral expectations and standards.
- ➔ Violations of these standards may lead to disciplinary action through the College's Conduct Review process.

## **Housing Policies and Student Responsibilities**

- ➔ Students are expected to comply with the terms and conditions of their on-campus residence contracts. Violations may be deemed a breach of contract and may lead to disciplinary action, including potential removal from Pratt Munson housing.
- ➔ Students are responsible for activities, items, and behaviors within their assigned rooms, suites, or apartments. If uncomfortable with any actions taking place (e.g., drinking, drug use, noise, guest limit issues), students are encouraged to address these with their peers, establish acceptable boundaries, and uphold the College's standards.

## **Student Rights in the Conduct Review Process**

- ➔ Right to Non-Participation: Students may choose not to participate in the review process. The College may still proceed with the investigation, hearing, and possible sanctions, but non-participation will not result in extra penalties.
- ➔ Right to an Objective Hearing: Students have the right to a fair hearing before an impartial decision-maker. The College will ensure that no conflict of interest exists between the student and the hearing officer.
- ➔ Right to an Advisor: Students may bring one advisor of their choosing to the hearing. The advisor's role is non-participatory, meaning they cannot speak on behalf of the student. Non-compliant advisors may be asked to leave.
- ➔ Right to Appeal: Students may appeal decisions made in their hearing to ensure a thorough and fair process.

## CONDUCT REVIEW PROCESS

- ➔ The process begins when the College receives a report of an alleged violation of College policy. The Office of Student Life reviews the incident, gathers details, and evaluates possible policy breaches.
- ➔ A trained Hearing Officer from Student Life will adjudicate each case using a “preponderance of evidence” standard (i.e., a violation is found if it is more likely than not to have occurred).

### Specialized Policies

- ➔ Cases involving sexual misconduct Are addressed under separate Title IX policies. These incidents will follow processes specific to these types of allegations.

### Record Keeping

- ➔ Records of incidents and sanctions are documented and maintained according to the College’s retention policy.

### Sanctions

A sanction is a requirement or status applied to a student after they either accept responsibility or are found responsible for violating the Student Code of Conduct. Since each conduct case is unique, it is not feasible to list every potential sanction for every type of violation. Instead, this guide provides an overview of common violations and the range of sanctions generally considered appropriate.

Sanctions are determined based on various factors, including, but not limited to:

- ➔ The severity and nature of the violation(s)
- ➔ The impact of the violation on the College and surrounding community
- ➔ The number of violations within the incident
- ➔ The student’s prior disciplinary history

Please note, even a student without a prior disciplinary record may face a sanction appropriate to the violation’s severity, which may include removal from housing, suspension, or dismissal from the College.

### Definition of Possible Sanctions

When a student or student organization at Pratt Munson is found responsible for violating the Student Code of Conduct, sanctions are applied based on the nature and severity of the violation, along with the individual’s or group’s conduct history. Below is a list of potential sanctions, which may be issued individually or in combination. This list is not exhaustive and offers an overview of possible outcomes:

- ➔ Disciplinary Warning: Written notice of a violation with a caution regarding future conduct
- ➔ Disciplinary Probation: A period of probation for serious or repeated violations; may lead to suspension or dismissal upon further violations
- ➔ Removal from Residence: Temporary or permanent removal from campus housing

- ➔ Suspension: Temporary removal from College with a defined return process, including any additional required sanctions
- ➔ Dismissal: Permanent separation from the College with no eligibility to re-enroll or receive a degree
- ➔ Parental Notification: Parents or guardians may be notified for violations related to the Drug and Alcohol Policy or other serious infractions.
- ➔ Other Sanctions: Additional penalties tailored to the specific violation, as deemed appropriate. This could include, but is not limited to, restitution, community service, loss of privileges, and/or educational programming.

## POSSIBLE SANCTIONS FOR VIOLATIONS

### FIRE SAFETY

#### Failure to Evacuate

- ▶ Disciplinary Warning

#### Tampering

- ▶ Disciplinary Warning
- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

#### Intentional Creating or Causing a Fire

- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

#### Intentional False Pull or

#### Fire-Extinguisher Discharge

- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

### WEAPONS

#### Possession of a Knife

- ▶ Disciplinary Warning
- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

#### Possession or Use of Fireworks

- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

#### Possession of BB, Paintball, or Airsoft Guns

- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

#### Possession of a Handgun or Long Gun

- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

#### Use of Any Type of Weapon to Harass or Intimidate

- ▶ Suspension
- ▶ Dismissal

#### Use of Any Object as a Weapon

- ▶ Suspension
- ▶ Dismissal

### THREATENING OR ABUSIVE BEHAVIOR

#### Verbal Altercation

- ▶ Disciplinary Warning
- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

#### Physical Fight

- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

#### Perceived or Threat of Harm

- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

#### Harassment

- ▶ Disciplinary Warning
- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

## **ENDANGERMENT**

### **Preventing Egress Out of Any Area or Dwelling**

- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

### **Exceeding Occupancy Capacity of a Dwelling**

- ▶ Disciplinary Warning
- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

### **Academic Integrity Violations**

- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

## **FORGERY, FRAUD, AND DISHONESTY**

### **Altered or Fraudulent Identification**

- ▶ Disciplinary Warning
- ▶ Disciplinary Probation

### **Purchasing and/or Distribution of Altered or Fraudulent Identification**

- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

### **Providing False Information**

- ▶ Disciplinary Warning
- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

### **Altering Official Documents (transcripts, U.S. currency, electronic records, etc.)**

- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

### **Sanctions for Property Damage**

- ▶ Restitution
- ▶ Disciplinary Warning
- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

## **THEFT**

### **Identity Theft**

- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

### **Property Theft**

- ▶ Restitution
- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

### **Unauthorized Entry, Presence or Use (Studios and/or Residence Halls)**

- ▶ Disciplinary Warning
- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

## **SANCTIONS FOR DRUGS/ALCOHOL**

### **Possession or Use of Drug Paraphernalia**

- ▶ Disciplinary Warning
- ▶ Disciplinary Probation

### **Possession or Use of Marijuana**

- ▶ Disciplinary Warning
- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

### **Possession or Use of Other Controlled Substances and Prescription Medication Not Prescribed to You**

- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

### **Distribution or Sale of Any Drug**

- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

### **Underage Alcohol Consumption and/or Possession**

- ▶ Disciplinary Warning
- ▶ Disciplinary Probation
- ▶ Removal from Residence

### **Distribution and/or Sale of Alcohol to Persons Under the Age of 21**

- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

**Hosting a Party or Gathering at Which Alcohol is Distributed**

- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

**Intoxicated and Being Disruptive**

- ▶ Disciplinary Warning
- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

**Sanctions for Obstruction or Disruption**

- ▶ Disciplinary Warning
- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

**SANCTIONS FOR NON-COMPLIANCE**

**Not Providing Identification to or Following Directives of Munson/Pratt Munson, Local, State and/or Federal Officials**

**On or Off Campus**

- ▶ Disciplinary Warning
- ▶ Disciplinary Probation

**Violation of No Contact Order, Cease and Desist, or other Munson/Pratt Munson Directive**

- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

**Sanctions for Smoking, Vaping, and Tobacco**

- ▶ Disciplinary Warning
- ▶ Disciplinary Probation

**SANCTIONS FOR DISRUPTIVE CONDUCT**

**Hosting a Loud Gathering or Party**

- ▶ Disciplinary Warning
- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension

**Being Disruptive in a Classroom Setting**

- ▶ Disciplinary Warning
- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension

**Indecent Conduct**

**(such as Public Urination)**

- ▶ Disciplinary Warning
- ▶ Disciplinary Probation

**Noise Complaints (such as Violating Quiet Hours)**

- ▶ Disciplinary Warning
- ▶ Disciplinary Probation

**Sanctions for Information Technology Services Policy Violations**

**Illegal Downloading and Sharing of Copyrighted Material**

- ▶ Disciplinary Warning
- ▶ Disciplinary Probation

**Unauthorized Access of Another Person's Email**

- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

**Hate- or Biased-Related Crime**

- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

**Gambling**

- ▶ Disciplinary Warning
- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

**SANCTIONS FOR ABUSE OF THE STUDENT CONDUCT SYSTEM**

**Failure to Complete or Comply with Sanction(s)**

- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

**Sanctions for Retaliation**

- ▶ Disciplinary Probation
- ▶ Removal from Residence
- ▶ Suspension
- ▶ Dismissal

*Sanctions for Intimate Partner Violence, Stalking, Sexual Harassment, Sexual Assault, and Sexual Exploitation may be found in the Title IX section of this Handbook.*

## MEDICAL AMNESTY AND GOOD SAMARITAN PROGRAM

Pratt Munson is committed to ensuring the safety of its students, especially in situations involving alcohol or drug impairment. In all cases where a student's safety is at risk, the appropriate agencies must be contacted for assistance. These agencies include Pratt Munson Campus Public Safety (315-724-2670), local emergency services (911), or a Residence Life staff member (such as an RA).

We believe it is everyone's responsibility to seek help when someone is in need of medical assistance. All members of the Pratt Munson community should prioritize the safety and well-being of themselves and others without hesitation. If a student is experiencing a medical emergency, their peers should focus solely on getting them the help they need.

When a student reports an emergency, the student directly involved fall under two categories:

- ➔ **Medical Amnesty:** Protects the student experiencing the emergency from formal disciplinary action
- ➔ **Good Samaritan:** Protects the person(s) who call for help from formal disciplinary action

While this policy may prevent formal College disciplinary action, educational follow-ups may still result. This policy is intended for isolated incidents and does not cover repeated violations of Pratt Munson's Alcohol, Cannabis (Marijuana), and other Drug Policy. The goal is to encourage responsible behavior and ensure that help is sought when necessary.

### Pratt Munson Student Conduct Appeals Process

Students have the right to appeal a finding of responsibility made by their Hearing Officer. To submit an appeal, students must:

1. **Submit in Writing:** Appeals must be written and submitted by the student directly.
2. **Include Specific Grounds:** The appeal must specify one or more of the approved grounds listed below.
3. **Meet the Deadline:** Appeals must be submitted within five business days from the date the student was notified of the decision.

**Grounds for Appeal** Appeals are not full rehearings but are instead limited to reviewing the original case based on specific criteria. Students may appeal if they believe:

- ➔ There was a procedural error that affected the outcome unfairly.
- ➔ New information is available that was not reasonably accessible during the initial process and could change the outcome.
- ➔ The Hearing Officer, investigator, or decision-maker had a conflict of interest or showed bias that materially affected the outcome.
- ➔ The sanctions imposed are disproportionate to the offense and the student's cumulative conduct history.

## **POLICY ON EQUAL OPPORTUNITY, NON-DISCRIMINATION, AND BIAS**

Pratt Munson College of Art and Design is dedicated to providing equal access to all its programs and activities. Diversity, inclusion, and an environment free from discrimination and bias are central to our mission.

The College admits students and provides services without regard to race, color, religion, national origin, age, sex (including pregnancy, childbirth, and related conditions), sexual orientation, gender identity, disability, veteran status, or any other status protected by law.

We are committed to preventing conscious or unconscious bias against any community members. Behavior or expression that targets individuals or groups based on these protected characteristics is not tolerated.

### **Examples of Prohibited Bias Conduct Include:**

- ➔ Using offensive terms.
- ➔ Mocking or imitating someone's disability, cultural attire, or traditions.
- ➔ Jokes or comments based on stereotypes about race, culture, or ethnicity.
- ➔ Using racial or ethnic slurs.
- ➔ Posting biased or harmful comments about someone's identity on social media.

Retaliation against individuals who report or oppose discrimination or bias, or who participate in a related investigation, is also prohibited.

### **Definitions of Prohibited Conduct**

- ➔ **Discrimination** is treating someone less favorably because of their protected characteristics, such as race, religion, sex, or disability.
- ➔ **Harassment** is unwelcome behavior based on a protected characteristic that disrupts someone's academic or work environment by creating an intimidating, hostile, or abusive atmosphere.
- ➔ **Bias Incidents** are offensive acts that may not violate specific laws or policies but go against Pratt Munson's values of respect and inclusivity. If a bias-related incident falls under another policy (e.g., Sex Discrimination, Sex-Based Harassment and Sexual Misconduct Policy (Title IX), it will be handled through those processes, with bias considered an aggravating factor.

### **Complaint Procedures**

Pratt Munson is committed to addressing complaints of discrimination, bias, or retaliation promptly, fairly, and consistently. The Student Life Director is available to handle these complaints, and we have established procedures to guide the complaint and investigation process.

# STUDENT LIFE

## Student Life Mission Statement

The Office of Student Life strives to provide a safe and inclusive environment to promote the holistic development of Pratt Munson students, not only as artists but as actively engaged and responsible community members.

The following offices are housed in Student Life:

- ▶ Academic Accommodations
- ▶ Counseling Center
- ▶ Residence Life
- ▶ Student Activities and Leadership
- ▶ Title IX

## Accommodations

Students seeking academic or residential accommodations should speak directly with the Student Life Director. Specific documentation from a licensed medical care provider is required and requests are not guaranteed. In college, students must become “self-advocates” for accommodation services. Therefore, it is critical that they inform the Student Life Director of their specific diagnoses and needs through the application process for services.

## Mental Health Counseling

Counseling services are available at no charge to all Pratt Munson students. The Counseling Office is located on the first floor of the Student Life Building, Room 101. The Counselor can be reached by phone (315-797-0000 ext. 2012). Referrals can be made by anyone, including professors, Student Life staff, Campus Safety, and students. Referrals can be made via email at [counseling@prattmunson.edu](mailto:counseling@prattmunson.edu). Individual appointments and programs are offered by the Counselor. All counseling sessions are confidential, free, and unlimited.

## Common needs addressed include:

- ▶ Stress management
- ▶ Peer pressure/conflicts
- ▶ Gender identity
- ▶ Anxiety
- ▶ Sexual identity
- ▶ Drug/alcohol-related problems
- ▶ Emotion management
- ▶ Family stressors
- ▶ Relationship issues
- ▶ Suicidal thoughts
- ▶ Depression
- ▶ Eating disorders
- ▶ Crisis management
- ▶ Academic stressors

In working with the Pratt Munson Counselor, students may also utilize virtual counseling sessions through BetterMynds. BetterMynds expands the diversity of staff, care, and hours that are provided for students.

## **Confidentiality**

Confidentiality is an essential part of any clinical relationship. All aspects of student participation in services through the Counseling Center, including scheduling appointments, content of individual and group sessions and any records, are completely confidential as outlined by federal and state law. Communication between a clinician and client can only be disclosed when the client signs a release of authorization form authorizing disclosure or in cases of immediate danger or serious harm to the client or someone else.

Counseling records are maintained in confidential, electronic, secure files completely separate from the student's academic record and cannot be accessed by faculty, parents, or staff outside the Counseling Center without the student's signed consent.

## **Additional Resources**

Campus Safety: 315-724-2670

National Suicide and Crisis Lifeline: Dial 988

Trevor Hotline for LGBTQ+: 1-866-488-7386

YWCA 24-hour Domestic Violence/Sexual Violence Hotline: 315-797-7740

If students are experiencing a mental health crisis during regular business hours (9 a.m.-4 p.m.), they should contact the Counseling Center at 315-797-0000 ext. 2012 or 315-927-8462. During off-hours or in the event that the Counseling Center is unreachable, students should contact Campus Safety at 315-724-2670. In case of a mental health emergency and the Counselor is unavailable, students may also contact MCAT at 315-732-6228.

## **Health Resources**

The Office of Student Life can assist you to find local resources for the below:

- ➔ Assessment of injuries, accidents, and minor illnesses
- ➔ Referral to medical resources for care
- ➔ Access to immunization services

## **MMR Immunization Policy**

Per New York State Public Health Law (PHL) Section 2165 Immunization Requirements for Students, students are required to have the MMR vaccination first dose no more than four days before his or her first birthday and the second dose received at least 28 days after. Exceptions include physician diagnosis of the disease or serologic evidence of immunity. Thus, students will be required to provide proof of their MMR/immunizations by the time they enroll on campus. Proof of the MMR vaccine is located on the Health Evaluation Form. If a student has not fulfilled this requirement by 30 days after the first day of classes, they will be removed from classes until the requirement is fulfilled.

## **Meningitis Information**

A law regarding meningitis immunizations, Public Health Law (NYS PHL 2167), requires institutions, including colleges and universities, to distribute information about meningitis and vaccination to all students, whether they live on or off campus, and then track whether or not the student has chosen the option to get the vaccination or has selected not to get it.

## **Healthcare Transportation Policy**

Pratt Munson will pay for an Uber or Lyft back from the hospital to students' residence halls. Receipts must be submitted and approved by the Student Life Director.

For liability reasons, we cannot pay for a taxi to a mental health or health services provider. Students must secure their own transportation or request an ambulance through Campus Safety to go to an emergency room. An ambulance will be called for transport in case of a mental health emergency.

## **Medical Insurance**

All Pratt Munson students are required to carry full medical insurance while enrolled. If students do not have an existing health insurance policy that will cover them while in Utica, N.Y., they will be required to purchase the school's Aetna Student Health Insurance plan. Students that can provide proof of an existing insurance policy have the option to waive the Aetna Student Health Insurance coverage.

This process is conducted each academic year. Students are responsible for completing the process accordingly. Any student not completing a waiver will be automatically enrolled in the Pratt Munson Aetna Student Health Insurance plan, and the charge will remain on the student invoice. Aetna Student Health insurance cards can be printed at [aetnastudenthealth.com](http://aetnastudenthealth.com).

## **RESIDENCE LIFE**

The Office of Residence Life strives to efficiently and effectively coordinate a learning- centered environment for its students. The Residence Life Staff places great importance on their roles seriously to facilitate a residence hall atmosphere conducive to studying and work. The Residence Life staff challenge and support students to enhance self-understanding, value community responsibility, and learn from experiences. Finally, the Office offers opportunities to students to explore leadership development in the residence halls.

The Residence Life Staff believe that student development and learning happens both inside and outside of the classroom. The policies, procedures, and programs which are established and encouraged by the Residence Life Staff are those that enhance student learning and involvement through community growth outside the classroom.

## **Residence Halls**

Pratt Munson is a residential campus that provides an exceptional living experience for students. All full-time students are required to live on campus. This makes for a significantly more meaningful college experience. Students may request to commute through our Commuter Waiver Application. The following requests may be approved: student's permanent mailing address is less than 30 miles from campus; student is at least 23 years old in their first year or 21 years old in their sophomore year by the first day of classes; and/or student is married or has dependent children. All other requests will be reviewed on a case-by-case basis by the Student Life Director and/or Dean. Pratt Munson offers housing in three different residence halls. All of the residence halls are fully furnished.

## **Hart Street**

This three-story building accommodates students in four-person suites. Each suite has one bedroom, a kitchenette, and a private bath. Laundry facilities are located on the first floor of the building. Hart Street also offers housing for students who are in need of physical accommodations, such as the use of an elevator.

## **Cottage Place**

This four-story building houses students in four-, five-, or six-person suites. All suites have their own bathroom and kitchenette. Laundry facilities and bike racks are located in the basement.

## **Plant Street**

This four-story building houses students in two-, three-, or six-person suites. Each suite has a kitchenette and private bath. Laundry facilities are located in the basement.

## **Residence Hall License**

The Residence Hall License is the agreement each student signs before being assigned to a room in the Pratt Munson residence halls. This critical document, found in the Student Code of Conduct, outlines specific rules, policies, and procedures which all resident students are expected to understand, abide, and live by.

## **Student Activities and Leadership**

Student involvement outside of class is an essential element of a successful college education. As a partner in the academic enterprise, the Student Activities and Leadership Office provides programs and services that promote students personal and professional development; fosters a campus environment conducive to student learning; and advocates for and supports students as they meet the challenges of the Pratt Munson experience.

To learn more about Student Government, Programming Board, or for a list of current clubs, organizations, and events, contact the Student Activities and Leadership Coordinator (315-797-0000 ext. 2218 or 315-927-8648) or visit them in the Student Life Offices on the second floor.

## **Mail**

Mail is delivered Monday through Friday to student mailboxes located in the Student Lounge in the Studio Building. Students should format their address as follows:

Name (first and last), 503 William St., Mailbox #, Utica, N.Y. 13502.

If a student receives a package, a pick-up slip will be placed in their mailbox. The student may pick up packages at the Studio Building reception desk. The student must bring their package slip with them and their Pratt Munson ID.

If receiving a Special Delivery/Overnight/Express piece of mail, the student will receive a notification in their mailbox between 8:45 a.m. and 4:30 p.m. Monday through Friday. When picking up Express mail, a Pratt Munson ID is needed.

Pratt Munson is also home to an Amazon Locker for convenient unattended Amazon deliveries. Use the below directions to add “Grub” as your Amazon Delivery/Pick Up Location.

1. Go to Amazon Pick Up
2. Search by Address, Zip Code, or Landmark
3. Choose “Amazon Locker - Grub”
4. Select “Add to my Addresses”
5. Once the Address is in your Address Book, Select “Ship to this Address” during checkout

Note: for the locker option to appear, all items in your order must be eligible for delivery to a Pickup location.

## **Summer Mail Policy**

Students may begin shipping packages to their campus address no earlier than Aug. 15. A daily fee will be charged to the student for storage of any package received before Aug. 15 based on the package size. Small packages (all dimensions less than 24 inches) will be charged \$3.50 per day. Large packages (any dimension 24 inches or greater) will be charged \$7 per day. No fee will be charged for packages received Aug. 15 or later.

## **Meal Plan**

American Dining Creations provides full-service campus dining for the Pratt Munson community. All residential students are automatically enrolled in and required to have the unlimited plan. Commuter students have two options to enroll in a meal plan and should contact the Student Life Director to do so prior to the start of each semester. The Pratt Munson Dining Hall is located in the Student Center.

Pratt Munson-owned dishes and utensils are not permitted outside of the Dining Hall. For dietary accommodations or meal plan concerns, please contact the Student Life Director.

## Religious Worship

### Local Houses of Worship

Bosnian Islamic Association of Utica  
306 Court St.  
Utica, N.Y. 13502  
315-520-3425

Burmese Muslim Association  
1129 Brinckerhoff Ave.  
Utica, N.Y. 13501  
315-316-0842

Foursquare Gospel Church  
1415 Sunset Ave.  
Utica, N.Y. 13502  
315-797-7775

Holy Trinity Catholic Church  
1206 Lincoln Ave.  
Utica, N.Y. 13502  
315-724-7238

Hope Chapel African Methodist Zion Church  
751 South St.  
Utica, N.Y. 13501  
315-732-0536

Mary, Mother of Our Savior Catholic Church  
2222 Genesee St.  
Utica, N.Y. 13502  
315-724-3155

Our Saviour Lutheran Church (ELCA)  
1640 Genesee St.  
Utica, N.Y. 13502  
315-732-0134

Plymouth Bethesda United Church of Christ  
500 Plant St.  
Utica, N.Y. 13502  
315-735-8586

Proctor House Faith Center  
1246 Hilton Ave.  
Utica, N.Y. 13501  
315-735-9647

Seventh Day Adventist Church - Spanish  
1116 Park Ave.  
Utica, N.Y. 13501  
315-404-1033

Temple Emanu-El  
2710 Genesee St.  
Utica, N.Y. 13502  
315-724-4177

Trinity Lutheran (LCMS)  
2620 Genesee St.  
Utica, N.Y. 13502  
315-732-7869

Unitarian Universalist Church  
10 Higby Road  
Utica, N.Y. 13501  
315-724-3179

Utica Masjid  
1631 Kemble St  
Utica, N.Y. 13501  
315-927-4536

## COMMERCIAL ACTIVITIES OR SOLICITING

Canvassing within Munson/Pratt Munson facilities, via email or on Munson/Pratt Munson's property without the written authorization of the Dean is not permitted.

### Campus Poster Policy

In an effort to promote communication College-wide and preserve the appearance of the campus, the Office of Student Life has established the campus poster policy.

Note: This policy applies to all the bulletin boards on the Pratt Munson campus. The only bulletin boards which are exempt are those controlled by the academic departments and the Office of Residence Life.

### General Poster Policy

All posters must have the Student Life approved stamp. The stamp must be easy to read on the poster and the date clear. Posters must be brought to the Office of Student Life, to be stamped by a member of the Student Life staff. Hanging posters is the responsibility of the person/group sponsoring the poster, not the Office of Student Life. It is suggested that posters are stamped before they are copied. Posters without stamps will be immediately removed. If you have any questions, please contact the Office of Student Life before making and printing posters.

- ➔ Posters cannot advertise drugs or alcohol.
- ➔ Posters with content that is deemed libel or otherwise excessively vulgar may not be approved.
- ➔ Posters must follow copyright rules and regulations.
- ➔ Posters will not be approved if they contain incorrect information or if they are inconsistent with Pratt Munson's standards and policies.
- ➔ Posters must provide duplicate information in English when another language is also used.
- ➔ All posters must be 11" x 17" or smaller.

The date on the stamp is the date on which all posters must be taken down. Individuals/offices that hang posters are responsible for taking down the posters after the stamped date has passed. For an event/activity which has a specific date, the date stamped on the poster will be the date after the event/activity is scheduled to take place. For a poster without a specific date, the date stamped will be one month after the date on which the poster is brought in to be stamped.

- ➔ Posters are only permitted on bulletin boards. Posters are not permitted on walls, windows, or doors unless it is on the day of the event. Pratt Munson staff will remove posters not on approved locations.
- ➔ Due to space limitations, only one event poster per location is allowed.
- ➔ No one is permitted to hang a poster over another poster.

## CAMPUS SAFETY

Campus Safety is a service unit dedicated to the protection of life and property and providing a safe campus environment. Campus Safety is staffed 365 days per year and 24 hours per day. The main Campus Safety Office is located at 1208 State St. The emergency on-campus phone number is ext. 4444. This four-digit extension must be dialed from an on-campus phone. Emergency phones are located on each floor of the residence halls. Picking up the phone will immediately connect the caller to the Campus Safety dispatcher. The nonemergency/business phone number for Campus Safety is 315-797-0000 ext. 2175. The Campus Safety direct dial line is 315-724-2670. Campus phones are available in the residence halls, vestibules, classrooms, and hallways. Emergency phones are located on each floor of the residence halls.

Campus Safety has New York State Licensed Safety Officers patrolling the campus, parking lots, and campus perimeter, as well as making campus building inspections. In addition to the above, Campus Safety monitors a network of closed-circuit television cameras which are strategically located throughout the campus. In an emergency, Campus Safety will communicate to students, faculty, and staff via Pratt Munson Safe App notifications, telephone, radio, and the campus exterior public address system.

The residence hall entrances are locked 24 hours a day, with access granted via a proximity card access system. All entrance and exit doors are alarmed and monitored via computer and a fiber-optic closed-circuit camera system.

Classroom building and studio entrances are locked 24 hours a day, with access granted via a proximity card access system. The main academic buildings are alarmed and monitored via computer and a fiber-optic closed-circuit camera system.

Please see Pratt Munson Annual Security and Fire Safety Report.

### Crime Statistics

CRIME	ON-CAMPUS			OFF-CAMPUS			RESIDENCE HALLS			PUBLIC PROP.		
	20	21	22	20	21	22	20	21	22	20	21	22
Murder & Non Negligent Murder	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Offense	0	0	0	0	0	0	0	0	0	0	1	3
Robbery	0	0	0	0	0	0	0	0	0	2	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	2	2	4
Burglary	0	0	0	0	0	0	0	0	0	2	0	8
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	3	1
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Larceny - Theft	2	0	0	0	0	0	2	0	0	15	10	0
Destruction/Damage/ Vandalism of Property										14	8	0
<b>ARRESTS</b>												
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	1	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0	3	2	1
Weapons Possession	0	0	0	0	0	0	0	0	0	2	2	7
<b>CAMPUS DISCIPLINE</b>												
Liquor Law Violations	4	9	6	0	0	0	4	9	6	0	0	0
Drug Abuse Violations	0	5	3	0	0	0	0	5	3	0	0	0
Weapons Possession	0	0	1	0	0	0	0	0	1	0	0	0

1. [https://www.criminaljustice.ny.gov/SomsSUBDirectory/search\\_index.jsp#:~:text=Level%203%20offenders%20and%20those,update%20photo%20to%20the%20Registry.](https://www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp#:~:text=Level%203%20offenders%20and%20those,update%20photo%20to%20the%20Registry.)

2. No Hate crimes reported for calendar years 2020, 2021 or 2022.

## Public Property areas for the Munson/Pratt Munson campus are as follows:

300 block on westside of Genesee Street (Cottage to Plant)

500 block Henry Street (State to Hart)

1100 and 1200 blocks of State Street (Cottage to Plant)

500 block Kirkland Street (State to Hart)

1100 and 1200 blocks of Hart Street (Cottage to Plant)

500 block Plant Street (State to Hart)

Cottage Place from Genesee to Hart Street (10s, 500, 600)

500 block William Street (State to Hart)

600 block Tracy Street

## Violence Against Women Reauthorization Act of 2018 (VAWA)

### (Public Law 113-4)

b-Non-consensual sexual contact

### VAWA Statistics 2020

Crime	On Campus	Off Campus	Residence Halls	Public Property
Domestic Violence	2	0	2	0
Dating Violence	2	0	2	0
Sexual Assault	0	1	0	2
Stalking	0	2	0	0

### VAWA Statistics 2021

Crime	On Campus	Off Campus	Residence Halls	Public Property
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Sexual Assault	0	0	0	0
Stalking	0	1	0	0

### VAWA Statistics 2022

Crime	On Campus	Off Campus	Residence Halls	Public Property
Domestic Violence	0	0	0	0
Dating Violence	0	1	0	0
Sexual Assault	0	1	0	0
Stalking	1	0	1	0

## Residence Hall Campus Safety

Pratt Munson is located in an urban environment; therefore, all students must be keenly aware of their own personal safety and must contribute to the overall safety of all members of the community.

Although 24-hour coverage is provided by Campus Safety, each student must be conscious of their personal safety. For example, you are advised not to:

- ➔ Walk around the neighborhood/campus alone after dark.
- ➔ Leave the door to your room/suite unlocked, whether or not you are home.
- ➔ Carry large amounts of cash.
- ➔ Leave personal property alone unattended in public areas.
- ➔ Leave your vehicle unlocked or to leave personal property inside your vehicle.

## **Emergencies**

In case of emergency, call Campus Safety from on campus at ext. 4444. To report emergencies from a cell phone, students must dial 315-724-2670 or use the mobile bluelight on the Pratt Munson Safe App.

In case of fire in a student's room, they should leave immediately and pull the closest fire pull box as they exit the building. Once students have left the building, they should call Campus Safety and give their name, location, and the type of fire.

Each room or suite is equipped with a smoke detector. Students who tamper in any way with any fire safety equipment jeopardize their continued residency in Pratt Munson residence halls. Students who falsely activate a fire alarm will be disciplined.

## **Emergency Alert System**

Pratt Munson Safe App is the official safety app of Pratt Munson. It is the only app that integrates with Pratt Munson's safety and security systems. Campus Safety and Student Life have worked to develop a unique app that provides students, faculty, and staff with added safety on the Pratt Munson campus. The app will send students important safety alerts and provide instant access to campus safety resources.

Students should download the app to ensure they are prepared in the event of an emergency.

Download the app here: <https://munson.apparmor.com/clients/mwpai.edu/>

When using the Pratt Munson Safe app, students must allow notifications and access to their location for the features to work. In order to do this, students should open their Pratt Munson Safe App. For notifications, they should click "About/Preferences," then "Notification Settings," then click "Enable Notifications."

## **Pratt Munson Safe App features include:**

- ➔ Emergency Contacts: Students can contact the correct services for the Pratt Munson area in case of an emergency or a non-emergency concern
- ➔ Mobile Bluelight: Students can send their location to Pratt Munson Campus Safety in real-time in case of a crisis
- ➔ Friend Walk: Students can send their location to a friend through email or SMS on their device. Once the friend accepts the Friend Walk request, the user picks their destination, and their friend tracks their location in real time; they can keep an eye on them to make sure they make it safely to their destination.
- ➔ Report a Tip: Students can report a safety/security concern directly to Pratt Munson Campus Safety.
- ➔ Virtual Walk Home: The app can allow Campus Safety to monitor a user's walk. If a user feels unsafe when walking on campus, they can request a Virtual Walk Home and a dispatcher on the other end will monitor their journey until they reach their destination.
- ➔ Safety Toolbox: Students can enhance their safety with the set of tools provided in one convenient app.

- ➔ Chat with Campus Safety: Students can communicate live with Pratt Munson Campus Safety staff via chat.
- ➔ Notification History: Students can find previous Push Notifications for this app with the date and time.
- ➔ I am OK! Students can send their location and a message indicating that “They’re OK” to a recipient of their choosing.
- ➔ Campus Map: Students can navigate around the Pratt Munson area.
- ➔ Emergency Plans: Campus emergency documentation that can prepare students for disasters or emergencies. This can be accessed even when users are not connected to Wi-Fi or cellular data.
- ➔ Support Resources: Students can access support resources in one convenient app to enjoy a successful experience at Pratt Munson.
- ➔ Safety Notifications: Students can receive instant notifications and instructions from Pratt Munson Campus Safety when on-campus emergencies occur.

### **Text Alerts**

If students only want to receive text (SMS) notifications, they should sign up by texting the word Munson to 237233.

### **Emergency Notifications and Timely Warnings**

**Campus Security Alert** is issued for incidents that do not require a campus-wide lockdown. This list is not all-inclusive.

- ➔ Police Activity in the Area
- ➔ Crime in Progress (Non-Violent)
- ➔ Looking for a Suspect
- ➔ Pursuit of a Suspect
- ➔ Arrest
- ➔ Fight
- ➔ Demonstration or Protest
- ➔ Clery Act Timely Warning

**Safety Alert** is issued for incidents that affect the health and safety of staff, faculty, students, and visitors. This list is not all-inclusive.

- ➔ Severe weather: tornado, damaging winds, 12+ inches of snow, temperature at or below minus 10 degrees Fahrenheit or above 90 degrees, National Weather Service severe weather warnings
- ➔ Fire, flooding, gas leak, hazardous material spill in a College building or near campus that might impede operations or traffic
- ➔ Significant traffic issues: major road closures (Arterial, 840, I-90)
- ➔ Significant disruption of services: electricity, heat, water
- ➔ Food service, etc.

## **Lockdown Procedures**

These lockdown procedures are established to protect Pratt Munson students, faculty, staff, and visitors for threats or emergencies involving gunfire, dangerous intruders, and safety hazards. When a lockdown emergency is called, all activity is to cease, and all are to find a safe space within the room. No one is to leave that space or open the door for anyone for any reason. When a lockdown warning is issued, students are instructed to follow all directions given by Campus Safety Officers, faculty members, or administration.

When it is certain that there is no danger, a Campus Safety Officer will announce an "All Clear," and normal operations can resume.

## **Fire Drills/Alarms**

Fire drills are conducted throughout the year in all campus buildings (residence halls, academic buildings, and administrative buildings). All students, faculty, and staff are required to participate. Students should follow instructions given by authorities in the building if they hear a fire alarm.

## **Identification Cards**

Students must carry their ID card with them whenever they are on the Munson campus or using Munson/Pratt Munson facilities. Further, students are required to produce this card when requested by an authorized person, such as Campus Safety personnel or staff/faculty person responsible for a facility.

The card will enable students to use all campus facilities and services and will identify them as a part of the campus community. It may entitle students to discounts at student-sponsored events and is required for students to gain access to the residence halls.

An ID card that has been lost or stolen can be replaced for a \$25 dollar replacement fee. Verification of College status is always required prior to the issuance of an ID card. Students who provide false information or misrepresent other persons for the purpose of obtaining a falsified ID card will be subject to disciplinary action.

Lost cards should be reported to Campus Safety immediately. Maintaining safe residence halls is one of the major goals of Campus Safety and Pratt Munson. Students who fail to show a valid ID upon entrance to a residence hall may face disciplinary action.

## **Keys**

All issued keys remain the property of Pratt Munson. If students move, they must return their keys to Campus Safety and sign for the keys to the new room/suite. Trading of keys is not allowed and will result in a fine. All lost/stolen keys must be reported to Campus Safety immediately. The fee for replacement of a lost or stolen room key is \$10 per key (all issued keys for that core will be replaced) and \$50 per core. The individual who lost the key will be assessed for all keys and cores. The fee for replacement of a lost mailbox key is \$25.

## **Lost and Found**

Campus Safety is responsible for the administration and functioning of Munson/Pratt Munson's Lost and Found program. All items of value found on Munson/Pratt Munson Campus should be turned into Campus Safety at 1208 State St. or to a Campus Safety Officer. The individual should provide the date, time, and location the property was found. All items left over 90 days will be donated to a local charity or disposed of.

## **Campus Insurance and Liability Policy**

While every effort is made to ensure the safety of individuals and their property at Pratt Munson, students and their property are not covered by an insurance policy that covers losses or accidents sustained. It is suggested that you look into your Home Owner's and/or Renter's Insurance. The College is not responsible for loss, theft, and/or damage of personal belongings. It is important to note that works of art by students are not deemed to be of any monetary value beyond the costs of materials used, which must be properly documented. For this reason, students may want to purchase their own comprehensive insurance (including theft, accident, and personal liability) to protect themselves.

## **Items Valued at Under \$100**

If the items have identifying marks and/or information, Campus Safety will attempt to contact the owner. If the owner cannot be located within 90 days, the property will be given to charity. If Campus Safety has available storage space, the items will remain in the Campus Safety office until the end of the academic year. There is no guarantee the items will remain longer than the 90 days. Please note that clothing, shoes, and umbrellas fall into the under \$100 category.

## **Items With a Value Over \$100**

If the items have identifying marks and/or information, Campus Safety will attempt to contact the owner and will check to make sure the item has not been reported stolen. All items will be disposed of in accordance with New York State Law. Please note that purses, wallets, checkbooks, bicycles, and computers generally fall into this category.

## **Locating Lost items**

Contact Campus Safety at ext. 2175 or stop by 1208 State St. If you have lost an item and it has not been turned into Campus Safety, the information will be logged in case the item is turned in at a later date.

## **Campus Parking Policy**

The Munson/Pratt Munson campus is designated as private property and the use of the roadways and parking areas are a privilege restricted to persons who have a direct and legitimate relationship with Munson/Pratt Munson. The object of these regulations is to provide more effective and convenient use for all. Parking is permitted only in designated areas. Regulations are enforced throughout the year, including vacation periods.

Any questions pertaining to the regulations must be directed to Campus Safety as Pratt Munson is not responsible for information given out by others. All motor vehicles to be parked on campus must be registered with Campus Safety and properly display a

current permit. Parking permits cost \$120 annually. The expiration date is located on the permit application. It is the responsibility of the person who registers a vehicle to ensure that the permit is displayed at all times while parked on campus and is clearly visible. All updates of vehicle registrations must be reported to Campus Safety. Motorcycles are subject to the same regulations as other vehicles.

Parking areas designated for parking, as established by the regulations of Munson/Pratt Munson, are the only legal parking areas on campus. All other areas, whether marked or not, are illegal.

Lock your vehicle and conceal all valuables. Munson/Pratt Munson assumes no responsibility for vehicles or their contents on campus property. Any incident must be reported to Campus Safety immediately. Parking violations are issued when necessary.

Repeated violations may result in the loss of parking privileges, and/or the vehicle may be towed by a commercial towing service at the owner's expense. Student transcripts, diplomas, and registration will be held until all financial obligations have been resolved by Campus Safety. Vehicles without permits displayed so they can be easily viewed by officers may be booted without notice. All permit holders will be responsible for their permit number regardless of the vehicle in which it is displayed. There is a \$25 replacement fee for lost or stolen permits.

For complete rules and regulations, see the "Parking and Traffic Handbook" available in Campus Safety. A copy will be provided to all students when they register their vehicle. Fines are payable in the Campus Safety office from 9:30 a.m. to 3 p.m. Monday through Friday, cash or check. Fines may also be charged to the student's account.

### **Building Closing Times**

Due to the various times different buildings must be closed, it is requested that all inquiries be made to Campus Safety. All buildings are closed on official school holidays.

---

## **LEAVES OF ABSENCE**

Information regarding leave of Absence, withdrawal, or readmission may be found in the Academic Catalog.

## **EXPENSES AND FINANCIAL AID**

Our Financial Aid Office is committed to providing information, assistance, and counseling to all students and their families throughout the financial aid process. Students may call upon this Office to explain financial aid policies and procedures and discuss additional financing options.

Please refer to the Financial Aid section of the Academic Catalog for specific information. Information on Tuition and Fees may also be found in the Academic Catalog.

## **REGISTRATION AND ACADEMIC POLICIES**

Information regarding registration, identification cards, email accounts, and data changes may be found in the Academic Catalog.

# SEX DISCRIMINATION, SEX-BASED HARASSMENT, AND SEXUAL MISCONDUCT POLICY (TITLE IX)

## I. INTRODUCTION

### A. Purpose of this Policy

Munson (formerly known as Munson-Williams-Proctor Arts Institute) and Pratt Munson College of Art and Design (the “College”), collectively referred to herein as the “Institute,” is committed to creating and promoting a safe learning and working environment free from all forms of sex discrimination. The Institute has adopted this Policy to ensure that all students, faculty, staff, and guests may work, study, and enjoy the campus community without being subjected to sex discrimination, sex-based harassment, sexual assault, or any other form of sexual misconduct.

The Institute’s primary concern relates to the health, safety, and well-being of all members of its community. In accordance with Title IX of the Education Amendments of 1972 (“Title IX”) and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”), as amended by the Violence Against Women Act/Campus Sexual Violence Act, Article 129-B of the New York State Education Law (“Enough is Enough”) and other applicable federal and state laws, the Institute is committed to maintaining a community free from all forms of sex discrimination, sex-based harassment and sexual violence, including sexual assault, sexual exploitation, dating violence, domestic violence, and stalking. Persons found in violation of this policy will be subject to appropriate disciplinary action, up to and including termination of employment of employees and suspension or expulsion of students.

This Policy, which is effective Aug. 1, 2024, is intended to (i) set forth the available resources and reporting options for victims of sex discrimination, sex-based harassment, sexual assault and other forms of sex-based violence, (ii) define prohibited conduct, (iii) describe the procedures that will be used to respond to complaints of prohibited conduct, including the investigation, hearing and sanctions process. The Policy is designed to consider the rights of the complainant, the rights of the respondent, the safety of the community, all applicable laws and College policies; and to conduct a timely, fair, impartial, and equitable investigation and adjudication process with thoroughness and respect for all involved parties.

## B. Nondiscrimination Policy and Notice

Munson and Pratt Munson College of Art and Design do not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.

### Notice

Pratt Munson College of Art and Design does not discriminate on the basis of sex and prohibits sex discrimination in any of its education programs or activities and required by Title IX and its regulations, including in admission and employment. Inquiries about Title IX may be referred to the College’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both.

Contact Information for the Title IX Coordinator:  
**Tiffany Varlaro**  
**Office of Student Life**  
**315-797-0000 ext. 2183**  
**tvarlaro@prattmunson.edu**

Contact Information for the U.S. Department of Education, Office for Civil Rights is as follows:  
400 Maryland Avenue,  
SW Washington, DC 20202-1100;  
Telephone: 800421-3481;  
Facsimile: 202-453-6012 TDD#: 877-521-2172;  
Email: OCR@ed.gov; Web: <http://www.ed.gov/ocr>.

In order to report information about conduct that may constitute sex discrimination or make a Complaint of sex discrimination, please refer to this Policy. The Institute’s grievance procedures can be located in this Policy or at [Insert link to website location]

## C. Title IX of the Education Amendments of 1972

Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §1681, et seq., a federal law, prohibits discrimination on the basis of sex in education programs and activities:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Any recipient of federal financial assistance for education activities is required by Title IX of the Education Amendments of 1972 to create an environment free from sex-based discrimination and harassment for all community members.

As such, sex-based harassment, sexual assault, dating and domestic violence, and stalking, all of which are forms of sex discrimination, are prohibited under Title IX and this Policy. Discrimination on the basis of sex includes discrimination on the basis of sex, gender, sex stereotypes, gender identity, sex characteristics, sexual orientation, and pregnancy or related conditions.

Under Title IX, the Institute is prohibited from separating or treating any person differently based on sex in a manner that subjects that person to more than de minimis harm, except in the limited circumstances where Title IX regulations allow otherwise, such as in the context of sex-separate living facilities and sex-separate athletic teams. Policies and practices that prevent a student from participating in an institution's education program or activity consistent with their gender identity impose more than de minimis harm on that student on the basis of sex, and therefore generally violate Title IX's nondiscrimination mandate.

The Institute has obligations under Title IX to provide certain supports and modifications to applicants, students, and employees experiencing pregnancy or related conditions in order to ensure their equal access to its programs or activities. For example, the College must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions and must allow voluntary leaves of absence. Students, employees, or applicants should contact the Title IX Coordinator for more information about resources, supports, or accommodations relating to pregnancy or related conditions. Employees or employment applicants may also contact Human Resources for more information because additional workplace laws and policies apply.

#### D. Scope of Policy

This Policy and its procedures apply to all of the Institute's students, faculty, and staff members. In addition, non-community members, (such as independent contractors, vendors, family or friends of students, visitors, volunteers, alumni, and other guests of the College) who are visiting campus, participating in an educational program or activity or interacting with Institute community members are expected to comply with this Policy. This Policy covers all academic, educational, co-curricular, athletic, and other Institute programs and activities, including those that may take place off campus.

This Policy applies to conduct that takes place on Institute property and in connection with any education program or activity sponsored by the Institute, regardless of where it occurs.

Additionally, this Policy may apply to off-campus conduct, including online activity, if the conduct

creates a threatening environment on the College's campus or within an education program or activity of the Institute or if it is determined that the off-campus conduct affects a substantial interest of the Institute, including access to the educational program or activity, safety and security, compliance with applicable law, and/or meeting its educational mission.

Any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational or employment opportunities and/or benefits of any member of the Institute community by engaging in sex discrimination or sex-based harassment is in violation of this policy.

Any respondent who is not a student, faculty member, or staff member of the Institute is generally considered a third party. The Institute's ability to take appropriate corrective action against a third party may be limited and will depend on the nature of the third party's relationship, if any, to the institution. When appropriate, the Title IX Coordinator will refer such allegations against third-party respondents to the appropriate office. The status of a party may impact which resources and supportive measures are available to them, as described in this policy.

This Policy applies regardless of an individual's race, color, national origin, religion, creed, age, disability, sex, sexual orientation, gender, gender identity or expression, familial status, pregnancy or pregnancy-related conditions, predisposing genetic characteristics, military status, domestic violence victim status, prior arrest or criminal conviction, or other classes protected by applicable law.

## II. KEY DEFINITIONS

**Advisor:** An advisor of choice is a person selected by the Complainant or Respondent to advise and accompany the Complainant and Respondent throughout the processes provided for under this Policy, including the investigation and formal resolution process. Each party has the right to choose and consult with an advisor of their choice at their own expense. The advisor may be any person and may be, but is not required to be, an attorney. The advisor may not represent, advocate, or speak on behalf of a Complainant or Respondent. An advisor may not disrupt or impede any resolution proceeding. Any restrictions on advisor participation will be applied equally to both parties.

**Affirmative Consent:** In order for individuals to engage in sexual activity of any type with each other, there must be clear affirmative consent. Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of

resistance does not in and of itself, demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.

Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. A person who has been drinking alcohol or using drugs is still responsible for ensuring that the person has the other person's affirmative consent and/or appreciating the other person's incapacity to consent. Consent may be initially given but withdrawn at any time. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop. Children under 17 years of age cannot legally consent under New York State law to having sex or sexual contact with an adult (i.e., someone who is 17 years of age or older).

**Days:** Any reference to days refers to business days when the College is in normal operation.

**Coercion/Force:** Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion. Sexual activity accompanied by coercion or force is not consensual. Coercion is more than an effort to persuade, seduce, entice, or attract another person to engage in sexual activity. A person's words or conduct are sufficient to constitute coercion if they deprive another individual of the ability to freely choose whether or not to engage in sexual activity. Coercion refers to unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, or force. Ignoring objections of another person is a form of coercion. Force refers to the use of physical violence or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

**Complaint:** A complaint means an oral or written request to the Title IX Coordinator that objectively can be understood as a request for the Institute to investigate and make a determination about alleged sex discrimination or other Prohibited Conduct under this policy.

**Complainant:** Any individual who has reported being or is alleged to be the victim of Prohibited Conduct as defined by this policy. In some cases, the Title IX Coordinator may file a complaint

and thereby initiate an investigation and formal resolution process pursuant to this Policy. In that instance, the Title IX Coordinator is not the "Complainant"; the Complainant remains the person who allegedly experienced the sex discrimination or other conduct prohibited under this Policy.

**Confidential Resources:** Any individual identified by the Institute who receives information about conduct prohibited under this policy in their confidential capacity and who are privileged under state law will not report prohibited conduct disclosed to them without written consent. Designation as a confidential resource under this policy only exempts such individuals from disclosure to the Title IX Coordinator. It does not affect other mandatory reporting obligations under state child abuse reporting laws, the Clery Act as a campus security authority, or other laws that require reporting to campus or local law enforcement.

**Decision Maker:** Trained professional designated to decide responsibility, sanction, or appeals. A Decision Maker may be one person, or a panel of multiple people, as determined by the Institute.

**Incapacitation:** Incapacitation is a state where someone lacks the ability to knowingly choose to participate in a specific activity. This includes instances where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing and informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction). Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. This policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs, or who are sleeping. Under this policy, the Institute will consider whether a Respondent knew or should have known the Complainant to be incapacitated, based on an objective, reasonable person standard that assumes the reasonable person is both sober and exercising sound judgment. The fact that the Respondent was unaware of the Complainant's incapacity due to the Respondent's own drug or alcohol use shall not be considered as an excuse.

**Party/Parties:** Referring to Complainant(s), Respondent(s), or both/all Complainant(s) and Respondent(s).

**Pregnancy or related medical conditions:** This term encompasses a broad range of conditions and situations associated with pregnancy and childbirth. This includes pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery from any of these conditions. Additionally, it covers lactation and pregnancy-related medical

conditions. Pregnancy-related conditions include, but are not limited to, morning sickness, fatigue, nausea, dehydration, gestational diabetes, preeclampsia, prenatal or postpartum depression, infertility, recovery from childbirth, miscarriage or abortion, lactation conditions or complications, menstruation, perimenopause, and menopause. Pursuant to Title IX regulations, the Institute will treat pregnancy and related conditions in the same manner and under the same policies as any other temporary disability, ensuring that pregnant individuals have equal access to education programs and activities.

**Relevant:** Relevant means related to allegations of sex discrimination or sex-based harassment under investigation. Questions are relevant when they seek evidence that may aid in showing if the alleged conduct occurred. Evidence is relevant when it may aid a Decision Maker in determining if the alleged conduct occurred. For purposes of this policy, the following types of evidence will be excluded as impermissible (even if otherwise relevant):

- ▶ Evidence that is protected under a privilege recognized by federal or state law or evidence provided to a Confidential Resource, unless the person to whom the privilege or confidentiality is owned has voluntarily waived the privilege or confidentiality;
- ▶ A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the Institute obtains that party's or witness's voluntary, written consent for use in the investigation and adjudication process; and
- ▶ Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the alleged Complainant's prior sexual conduct with the Respondent that is offered to prove consent.

**Remedies:** Remedies means measures provided, as appropriate, to a Complainant or any other person the Institute identifies as having had their equal access to the Institute's education program or activity limited or denied by discrimination or other prohibited conduct covered by this Policy. These measures are provided to restore or preserve that person's access to the education program or activity after the Institute determines that discrimination occurred. Only the Complainant will be informed of any remedies pertaining to them, except when doing so impairs the ability of the Institute to provide the remedy. Some examples are academic support and/or opportunity to retake a class or resubmit work or time extensions on course or degree completion, or non-academic support such as counseling, or

changes to work assignments or locations. The Title IX Coordinator is responsible for implementation of remedies.

**Respondent:** The term respondent refers to the person alleged to have committed the alleged sex discrimination, sex-based harassment or other misconduct in violation of this Policy.

**Supportive Measures:** Supportive measures are non-disciplinary and non-punitive individualized services provided by the Institute, free of charge, to the Complainant and/or Respondent to restore or preserve equal access to the Institute's education program or activity, protect the safety of the parties, or protect the educational environment without unreasonably burdening either party. Supportive measures may be imposed at any time regardless of whether formal disciplinary action is sought by the Complainant and they may be provided during the informal and/or formal resolution process.

### III. PROHIBITED CONDUCT

This Policy sets forth conduct expectations for our community and provides a process for the reporting, investigation, and adjudication of alleged violations. This Policy applies to alleged conduct violative of Title IX and also applies to a broader range of contexts and behaviors inconsistent with the Institute's commitment to equal opportunity. Pursuant to Title IX, the Institute is required to address sex discrimination occurring within its education program or activity in the United States. The Institute will address a sex-based hostile environment in its education program or activity even when some conduct alleged to be contributing to the hostile environment occurred outside the Institute's program or activity or outside the United States. Thus, where an individual experiences a sex-based hostile environment within its educational programs and activities and some of the conduct that contributes to the hostile environment occurred outside of the Institute's educational programs or activities or outside of the United States, the Institute will take steps to address the hostile environment. Conduct that occurs under the Institute's program or activity includes, but is not limited to, conduct that occurs in any building owned or controlled by a student organization that is officially recognized by the Institute and conduct that is subject to the Institute's disciplinary authority.

The conduct prohibited under this Policy is not limited to the scope of conduct covered by Title IX. Munson and the College prohibit the below conduct even if the conduct occurs off-campus or outside the United States. However, the Institute retains discretion to not respond to, investigate, or adjudicate circumstances in which no Institute interest is implicated.

This Policy prohibits the following conduct defined below. The acts referenced below shall also be referred to as "Prohibited Conduct" under this policy.

**Sex Discrimination:** Different treatment that disadvantages a person and that occurs because of or on the basis of the affected individual's sex. For purposes of this Policy, discrimination "on the basis of sex" includes discrimination based on sex, sex stereotypes, gender, sexual orientation, sex characteristics, pregnancy or pregnancy-related conditions, and gender identity. Examples of sex discrimination include, but are not limited to, denying a student a research opportunity because of the student's gender, giving a student a lower grade than they deserved because or on the basis of the student's sex, or denying an employee a raise or promotion on the basis of the employee's sex.

**Sex-Based Harassment:** A form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex, sex stereotypes, gender, sexual orientation, sex characteristics, pregnancy or related conditions, and gender identity. Sex-based harassment includes the following:

- ▶ **Quid pro quo harassment:** An employee, agent, or other person authorized by the Institute to provide an aid, benefit, or service under its education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
- ▶ **Hostile environment harassment:** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the Institute's education programs or activities (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
  - The degree to which the conduct affected the complainant's ability to access the Institute's education program or activity;
  - The type, frequency, and duration of the conduct;
  - The parties' ages, roles within the Institute's education program or activity, previous interactions, and other factors about a party that may be relevant to evaluating the effects of the conduct;
  - The location of the conduct and the context in which the conduct occurred; and
  - Other sex-based harassment in the education program or activity.

Sexual harassment and other forms of sex-based hostile environment harassment can be verbal,

written, visual, electronic or physical. The fact that a person was personally offended by a statement or incident does not alone constitute a violation. Instead, the determination is based on a "reasonable person" standard and takes into account the totality of the circumstances. The Institute considers the context of a communication or incident, the relationship of the individuals involved in the communication or incident, whether an incident was an isolated incident or part of a broader pattern or course of offensive conduct, the seriousness of the incident, the intent of the individual who engaged in the allegedly offensive conduct, and its effect or impact on the individual and the learning community. Sex-Based Harassment also includes gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression or hostility based on gender, gender identity, gender expression, sexual orientation, pregnancy or pregnancy-related conditions, or sex- or gender-stereotyping, even if those acts do not involve conduct of a sexual nature.

**Sexual Assault:** an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. "Sexual assault" includes any sexual act directed against another person, forcibly and/or without consent of the victim, including instances where the victim is incapable of giving affirmative consent. Sexual assault consists of the following specific acts:

- ▶ **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- ▶ **Nonconsensual Sexual Contact:** The intentional touching of the private body parts (including genitalia, anus, groin, breast, inner thigh, or buttocks) of another person for the purpose of sexual gratification or with sexual intent, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity. Acts of non-consensual sexual contact may include but are not limited to intentional contact (directly or over clothing), for sexual gratification or with sexual intent, with another person's breasts, buttocks, groin, genitals, inner thigh, or touching another with any of these body parts without consent.
- ▶ **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- ▶ **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in New York is 17.

**Dating violence:** violence (including, but not limited to, sexual or physical abuse or the threat of such abuse) committed by a person who is or

has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: i) the length of the relationship; ii) the type of relationship; and iii) the frequency of interaction between the people involved in the relationship. Dating violence can include behavior such as coercion, isolation or other forms of emotional, verbal or economic abuse if it reflects a threat of sexual or physical abuse as described above.

**Domestic violence:** Domestic violence refers to a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the Institute is located, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. To categorize an incident as Domestic Violence, the relationship between the responding party and the reporting party/complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship as described above.

**Stalking:** Engaging in a course of conduct, on the basis of sex, directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. "Course of conduct" means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.

**Sexual Exploitation:** the abuse or exploitation of another person's sexuality without consent, for the perpetrators own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited. Sexual Exploitation includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over that person; causing the prostitution of another person; electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images of another person; allowing third parties to observe sexual acts; exposing one's genitals in non-consensual circumstances or nonconsensual disrobing of another person so as to expose the other person's private body parts; engaging in sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or

engaging in sexual acts, without the consent of the person being observed); distributing intimate or sexual information about another person; and/or knowingly transmitting a sexually transmitted infection, including HIV, to another person.

**Retaliation:** an adverse act perpetrated to "get back" at a person because the person reported misconduct under this policy, filed a complaint, or participated in an investigation or proceeding conducted pursuant to this Policy by the Institute or by an external agency. Retaliation includes intimidation, threats, coercion, or discrimination against any person for the purpose of interfering with any right or privilege secured by Title IX or this Policy or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy, including an informal resolution process. Peer retaliation, defined as retaliation, by one student against another student, is also prohibited under this Policy. An act of retaliation may be anything that would tend to discourage an individual from reporting sex discrimination, pursuing a complaint, or from participating in an investigation or adjudication as a party or a witness. Nothing in these definitions precludes the Institute from requiring an employee or other person authorized by the Institute to provide aid, benefit, or service under the Institute's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding or hearing. A person who acts in good faith is protected from retaliation. The fact that a statement is not determined to be proven or established following investigation and adjudication does not mean that the statement lacked good-faith; a person may provide inaccurate information believing it is accurate, which is still good-faith. If a person makes a statement knowing that it is false, the person has acted without good faith. Retaliation should be reported promptly to Title IX Coordinator and may result in disciplinary action independent of the sanction or interim measures imposed in response to the underlying allegations of sex discrimination.

#### IV. TITLE IX COORDINATOR

The Institute is committed to promoting a diverse, equitable, and inclusive working and learning environment free from sex discrimination and sex-based harassment. The Title IX Coordinator is charged with monitoring compliance with Title IX; providing education and training; and coordinating the response, investigation, and resolution of all reports of Prohibited Conduct under this Policy. The Title IX Coordinator acts with independence and authority and oversees all resolutions under this policy free from bias and conflicts of interest. The Title IX Coordinator is available to meet with any individual to discuss this Policy or the accompanying procedures and can be contacted at:

Tiffany Varlaro  
Office of Student Life  
1200 State St.  
Utica, N.Y. 13502  
315-797-0000 ext. 2183  
315-927-8646  
tvarlaro@prattmunson.edu

The Title IX Coordinator is also responsible for monitoring the Institute's education programs and activities for barriers to reporting information about conduct that reasonably may constitute a violation of this Policy, and taking steps reasonably calculated to address such barriers. Obligations in this Policy assigned to a particular title, such as the Title IX Coordinator, may be designated as appropriate by the Institute, including to external professionals.

## **V. CONFLICTS OF INTEREST OR BIAS**

There are a number of individuals who have key roles and responsibilities throughout the reporting, investigatory, and adjudication processes under this Policy. These individuals are required to be free from conflicts of interest or bias for, or against, Reporting Parties/ Complainants and Responding Parties/ Respondents. Should the Title IX Coordinator have a conflict of interest, the Title IX Coordinator is to immediately notify the Academic Dean who will either take, or reassign, the role of Title IX Coordinator for purposes of carrying out the handling and finalization of the matter at issue. Should any Investigator, Decision Maker(s), or Appeals Officer have a conflict of interest, the Investigator, Decision Maker(s), or Appeals Officer is to notify the Title IX Coordinator upon discovery of the conflict so that the Title IX Coordinator may reassign the role as appropriate. As described below, the parties will have an opportunity to challenge a designated Investigator, Decision-Maker, and/or Appeals Officer based on grounds of a demonstrated bias or actual conflict of interest. All such challenges will be considered, and changes made as deemed appropriate.

## **VI. CONSENSUAL RELATIONSHIPS**

Pratt Munson College of Art and Design prohibits romantic or sexual relationships between faculty/staff and undergraduate students. Further, the College prohibits romantic or sexual relationships between faculty/staff and graduate students if they are active within the same school, department, or program, or if the faculty member has any academic, professional or supervisory authority over the graduate student. Violations of this prohibited conduct may also be addressed through the process identified in the Employee Handbook.

## **VII. RESOURCES AND NOTIFICATION PROTECTIONS RELATED TO PREGNANCY OR RELATED CONDITIONS**

The Institute will not treat students, employees, or applicants differently based on sex in connection with parental, family, or marital status. The Institute is committed to providing pregnant students, employees, and applicants protections, reasonable modifications and, if appropriate, accommodations due to their pregnancy or any related conditions in order to ensure they are provided an accessible and supportive learning and working environment, regardless of their gender identity or expression.

### **Information Sharing Requirements**

If a student discloses her pregnancy or related condition to a Institute employee, and the employee does not reasonably believe that the Title IX Coordinator has already been informed, the employee must provide the student with the Title IX Coordinator's contact information and inform the student that the Title IX Coordinator can implement specific actions and reasonable modifications to ensure the student's equal access to the education programs or activities.

Once a student notifies the Title IX Coordinator of the student's pregnancy or related condition, the Title IX Coordinator will inform the student of the Institute's commitment to protections against sex discrimination and the process of how to file a complaint for alleged sex discrimination, harassment, or retaliation. The Title IX Coordinator will inform the student of its obligations to allow access, on a voluntary basis, to any separate and comparable portion of the Institute's education program or activity and to treat pregnancy as comparable to other temporary medical conditions for medical benefit, service, plan, or policy purposes.

### **Reasonable Modifications for Students**

Students experiencing pregnancy and related conditions are entitled to Reasonable Modifications to ensure equal access to education programs and activities. These may include changes to schedules, assignments, and course requirements. Any student seeking Reasonable Modifications must contact the Title IX Coordinator to discuss appropriate and available reasonable modifications based on their individual needs.

The Institute will, upon learning of the student's pregnancy or related condition, provide the option of individualized, Reasonable Modifications, upon request and as needed, to its policies, practices, and procedures, in order to ensure equal access to the Institute's education program or activity. The student can accept or decline any such offered Reasonable Modifications. Reasonable Modifications may include, but are not limited to, breaks during class to express breast milk, breastfeed, or attend to health needs associated

with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures determined by the Title IX Coordinator and/or other Institute officials. Modifications will be determined based on individual needs and may include alternative paths to completion for clinical rotations, performances, labs, and group work. In progressive curricular and cohort-model programs, medically necessary leaves may allow students to shift course order or join subsequent cohorts. Modifications to accommodate pregnancy or related conditions are not considered reasonable if they fundamentally alter the nature of the education program or activity.

The Institute will not require supporting medical documentation from a student for modifications or leaves of absence, unless doing so is necessary and reasonable to determine and provide such modifications or leaves of absence. Information about pregnant students' requests for modifications will be kept private and shared with faculty and staff only to the extent necessary to provide the reasonable modification.

### **Leaves of Absence**

The Institute will allow students a voluntary leave of absence for a reasonable time, at minimum, the time period deemed medically necessary by their healthcare provider because of pregnancy. The leave term may be extended in the case of extenuating circumstances or medical necessity. To the extent possible, the Institute will take reasonable steps to ensure that students who take a leave of absence or medical leave return to the same position of academic progress that they were in when they took leave. Scholarship and funding continuation will depend on the student's registration status and funding program policies. The College will advocate for students with financial aid agencies and external scholarship providers if a leave affects eligibility. In order to initiate a leave of absence, the student must contact the Title IX Coordinator at least 30 calendar days prior to the anticipated start of leave, or as soon as practicable. The Title IX Coordinator will assist the student with completing any necessary paperwork.

Employees are extended similar rights to modifications and accommodations due to pregnancy and related conditions. If an employee is not eligible for leave under the aforementioned leave policy because they either (1) do not have enough leave time available under that policy, or (2) have not been employed long enough to qualify

for leave under that policy, they are eligible to qualify for pregnancy or related condition leave under Title IX. Employees taking Title IX leave must be reinstated to their original or comparable position without negative effects on employment privileges or rights.

To the extent that an individual's pregnancy or pregnancy-related conditions qualify as a temporary disability under applicable federal and/or state law, they will be eligible for reasonable accommodations like any other person with a temporary disability. The Title IX Coordinator will consult with the Director of Human Resources and Dean to ensure the student receives reasonable accommodations for their disability as required by law.

### **Rights of Employees to Express Breast Milk**

Employees, including student-employees, have the right to express breast milk in the workplace. Under Section 206-c of the New York Labor Law, employees are, for up to three years following childbirth, entitled to 30 minutes of paid break time to express breast milk when the employee has a reasonable need to express breast milk at work. The Institute will not deduct an employee's paid break time for breast milk expression from their regular paid break or meal time. Employees can choose to take breast milk expression breaks before or after their regularly scheduled paid break or meal periods. Employees can access additional information by contacting the Institute's Human Resources Director.

### **Lactation Space Access**

Pratt Munson College of Art and Design provides students and employees with access to functional, appropriate, and safe lactation spaces. These spaces are regularly cleaned, shielded from view, and free from intrusion. The Multipurpose Room in the Student Life Building is designated as a lactation space.

Employees wishing to request a lactation room must provide reasonable advance notice to the Institute. If an employee's request for a lactation room poses an undue hardship, Institute officials will engage in a cooperative dialogue with the employee.

## **VIII. STUDENTS' BILL OF RIGHTS INVOLVING SEXUAL ASSAULT, DOMESTIC/DATING VIOLENCE, AND STALKING**

Pursuant to Article 129-B, Section 6443, of the New York State Education Law, in all cases involving sexual assault, domestic or dating violence, or stalking, all Pratt Munson students have the right to:

- ▶ Make a report to local law enforcement and/or state police;
- ▶ Have disclosures for domestic violence, dating violence, stalking, and sexual assault treated seriously;

- ▶ Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by Munson and Pratt Munson College of Art and Design;
- ▶ Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- ▶ Be treated with dignity and to receive from the Institution courteous, fair, and respectful health care and counseling services, where available;
- ▶ Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- ▶ Describe the incident to as few institutional representatives as practicable;
- ▶ Be protected from retaliation by Munson and Pratt Munson College of Art and Design, any student, the accused and/or the Respondent, and/or their friends, family, and acquaintances within the jurisdiction of the Institute;
- ▶ Access to at least one level of appeal of a determination;
- ▶ Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
- ▶ Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the Institute.

**RIGHTS IN CASES INVOLVING SEXUAL ASSAULT, DOMESTIC/DATING VIOLENCE, AND STALKING**

Anyone reporting an incident of sexual assault, domestic or dating violence, or stalking has the right to:

- ▶ Notify Campus Safety, local law enforcement, or the New York State Police;
- ▶ Emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a reporting individual and who can provide information, including options;
- ▶ Information, where applicable, of the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible;
- ▶ Know that the criminal justice process utilizes different standards of proof and evidence than the Institute's procedures and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney;
- ▶ If they are a student, to contact the Institute's Health and Counseling Center, where they may be offered confidential resources pursuant to applicable laws/College policies and can be

assisted in obtaining services for reporting individuals; or to contact off-campus confidential resources;

- ▶ Disclose confidentially the incident and obtain services from the state or local government;
- ▶ Disclose the incident to Institute employees who can offer privacy or, in appropriate cases determined by the Title IX Coordinator, confidentiality, subject the Institute's Sex Discrimination, Sex-Based Harassment, and Sexual Misconduct Policy;
- ▶ Make a report of sexual assault, domestic violence, dating violence, and/or stalking and consult the Title IX Coordinator and other appropriate Institute personnel for information and assistance. Reports shall be investigated in accordance with Institute policy. A reporting individual's identity shall remain private if that is what the reporting individual wishes, however privacy is not the same as confidentiality. Private information can be shared to implement and fulfill the Institute's obligations under the law and its policies and procedures;
- ▶ Disclose, if the accused is an employee of the institution, the incident to Human Resources or to request that a private employee assist in reporting to Human Resources;
- ▶ Receive assistance from appropriate Institute representatives if interested in initiating legal proceedings in family court or civil court, such assistance to consist of facilitation in contacting appropriate local agencies who can provide direct assistance with court proceedings; and
- ▶ Withdraw a complaint or involvement from the Institute processes at any time.

**IX. BURDEN AND STANDARD OF REVIEW**

The Institute has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. This burden does not rest with any party, and any party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from the Institute and does not indicate responsibility. The standard of proof used in any investigation and decision making process under this policy is the preponderance of the evidence standard, which means more likely than not.

**X. REPORTING PROHIBITED CONDUCT**

A Complainant has the option to report or decline to report prohibited conduct to the Institute, law enforcement and/or state police, and/or other authorities. There are various resources and reporting options, both internal and external to the Institute, available to individuals as needed or desired. The College also provides individuals with the opportunity to discuss the alleged incident with a trained professional on campus and understands that parties may wish to discuss the incident with the assurance that the discussion will

be confidential. All of these options are provided and explained below.

## **A. How to Make a Report to the Institute**

All reports of violations of this policy will be taken seriously and in good faith. The Title IX Coordinator will provide information and guidance regarding how to file a complaint with the College and/or local law enforcement and/or state police, as well as information and assistance about what course of action may best support the individual(s) involved and how best to address the complaint.

Every reasonable effort will be made to maintain the privacy of those making a report to the extent possible. In all cases, the Institute will give consideration to the party bringing forward a report with respect to how the matter is pursued. The Institute may, when necessary to protect the community, initiate an investigation or take other responsive actions to a report, even when the person identifying a concern chooses not to participate in a resolution process and/or requests that the Institute not initiate an investigation.

There is no timeline for making a complaint of harassment or discrimination under this Policy, however, the Institute encourages the prompt reporting of a complaint as the ability of the Institute to pursue the complaint to conclusion may be hindered by the passage of time.

### **1. Reporting to the Title IX Coordinator**

Any person may report prohibited conduct (whether or not the person reporting is the person alleged to be the victim of conduct) in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report.

**Tiffany Varlaro**  
**Pratt Munson College of Art and Design**  
**Office of Student Life**  
**1124 State St.**  
**Utica, N.Y. 13502**  
**315-797-0000 ext. 2183**  
**tvarlaro@prattmunson.edu**

A disclosure may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address listed for the Title IX Coordinator. The Title IX Coordinator is a non-confidential resource.

A reporting party has the right to withdraw a report or involvement from the Institute's process at any time. If the Respondent is an employee of the Institute, the reporting party has the right to disclose the incident to Munson's Human Resources Authority or the right to request that a confidential or private employee assist in reporting to the appropriate Human Resources Authority.

## **2. Bystander Reports**

If the Institute receives a report of alleged Prohibited Conduct by someone other than the alleged victim (e.g., by a friend or coworker, roommate, resident assistant), the Title IX Coordinator will promptly notify the alleged victim of the report, and inform the alleged victim of the available resources and assistance. To the extent possible, the Institute will respond to the report as if the victim had made the initial report.

## **3. Anonymous Reporting**

Reports regarding Prohibited Conduct may be made anonymously and still prompt a need to investigate. Anonymous reports will be preliminarily investigated, to the extent possible, both to assess the underlying allegation(s) and to determine supportive measures. However, anonymous reports often limit the Institute's ability to investigate and respond, depending on what information is shared. The Institute will still endeavor to provide supportive measures to all complainants, which may be a challenge with an anonymous report where the complainant is not identified.

## **4. Public Awareness Events**

Generally, information disclosed at public awareness events to raise awareness about sex-based harassment or conduct constituting a violation of this Policy that are held on the College's campus or through an online platform sponsored by it, does not obligate the Institute to begin an investigation unless it indicates an imminent and serious threat to the health or safety of a Complainant, any students, employees, or other persons. Thus, if an individual discloses actions constituting a violation of this Policy through a public awareness event such as "Take Back the Night," a candlelight vigil, a protest, a student organization or other event or forum, or other public event, the Institute is not obligated to begin an investigation. The Title IX Coordinator will respond to reports, in accordance with this Policy, of conduct that could constitute sex discrimination other than sex-based harassment if disclosed at public awareness events, wherever they occur. In all cases, the Institute must use the information to inform its efforts to prevent sex-based harassment, including by providing tailored training to address alleged sex-based harassment in a particular part of its education program or activity or at a specific location when information indicates there may be multiple incidents of sex-based harassment.

## **5. Reports with Employee Respondents**

Allegations of Prohibited Conduct against an employee will be addressed by the Title IX Coordinator in partnership with the Institute's Human Resources Department. This includes student-employees when the Prohibited Conduct

is alleged to have occurred in the context of their employment.

## 6. Reports with Third-Party Respondents

Any Respondent who is not a Pratt Munson student, faculty member, or staff member is generally considered a Third Party. The Institute's ability to take appropriate corrective action against a Third Party may be limited, and will depend on the nature of the Third Party's relationship, if any, to the Institute. The Title IX Coordinator will determine which office(s) will address allegations against all other Third-Party respondents.

### 7. First Disclosure of a Report

The Institute shall ensure that, at a minimum, at the first instance of disclosure by a Complainant to a Institute employee the following information shall be presented to the student: "You have the right to make a report to university campus safety, local law enforcement, and/or state police or choose not to report; to report the incident to Pratt Munson; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from Pratt Munson."

## B. Employee Reporting Obligations (Mandated Reporting)

Pratt Munson believes it is important to be proactive in taking reasonable steps to identify and prevent incidents of sex discrimination and sex-based harassment. All employees, including student employees, who are not a Confidential Resource, are required to promptly notify the Title IX Coordinator if they have information (whether that information was based on their own observations or they learned about it from another) about conduct that reasonably may constitute sex discrimination, sex-based harassment, or other conduct prohibited under this Policy.

The Institute also encourages employees who themselves experience Prohibited Conduct to bring their concerns to the Title IX Coordinator, though they are not required to do so.

When providing this information to the Title IX Coordinator, the employee must include their own name and contact information, and all known details about an incident, which may include, if known, the dates, times, locations, names of involved individuals, and the nature of the incident.

Aside from this reporting obligation, employees will, to the fullest extent possible, maintain the privacy of an individual's information, consistent with FERPA. Reports from mandatory reporters (i.e., non-confidential employees) help the Institute monitor patterns of behavior, drive changes to general training and education, and ensure that students are aware of their options in addressing

any conduct prohibited under this Policy as well as the support services that are available to them.

## C. Amnesty for Students

The health and safety of every student at Munson and the College is of the utmost importance. The Institute recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at a time that violence (including but not limited to domestic violence, dating violence, stalking, or sexual assault) occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to Institute officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Institute officials or law enforcement will not be subject to discipline under Pratt Munson's Alcohol and Drug Use Policy for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

This Policy does not provide amnesty for drug dealers or those who use drugs or alcohol as a weapon or to facilitate Prohibited Conduct.

## D. Privacy, Confidential Resources, and Non-Confidential Resources

The Institute values the privacy of its students, employees, and other community members. Community members should be able to seek the assistance they need and access this policy without fear that the information they provide will be shared more broadly.

Even offices and employees who cannot guarantee confidentiality will maintain privacy to the greatest extent possible. The information provided to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution. Non-personally identifiable information may also be provided to the Campus Safety Department to report statistical information about Clery reportable crimes.

All activities under these procedures shall be conducted with the privacy interests of those involved. While the Institute will take all reasonable steps to protect the privacy of individuals involved in a complaint, it may be necessary to disclose some information to individuals or offices on campus in order to address a complaint or provide for the physical safety of an individual or the campus. Thus, the Institute cannot, and does not, guarantee that all information related to complaints will be kept confidential.

Generally, the Institute will not share information about a report or record of prohibited conduct under this Policy without the permission of the party, unless required by law. The Federal Education Rights and Privacy Act (FERPA) permits institutions to share information with parents/guardians of students when: (i) there is a health or safety emergency, or (ii) when the student is a dependent on either parent's prior year federal income tax return.

In order to maintain the privacy of evidence gathered as part of any resolution process, access to materials under the procedures in this policy will be provided only by a secure method and parties and advisors are not permitted to make copies of any documents shared or make use of the documents outside of the processes described in this policy. Inappropriately sharing materials provided during this process may constitute retaliation and result in disciplinary action.

The Institute will take reasonable steps to protect the privacy of the parties and witnesses during the pendency of its processes contemplated by this Policy, provided that such steps do not restrict the ability of the parties to obtain and present evidence, to speak to witnesses, to consult with their family members, Confidential Employees, or advisors, or otherwise prepare for or participate in a process. The Institute will also take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the processes contemplated by this Policy. However, disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of Sex-Based Discrimination will be authorized.

### 1. Confidential Reporting Options

Individuals may speak confidentially with a Confidential Resource. Confidential Resources may not report to the Title IX Coordinator any identifying information about conduct that may violate the Institute's policies against Prohibited Conduct without the written consent of the individual who supplied the information, unless required by law. An individual's disclosures to a Confidential Resource will not be reported to the Title IX Coordinator or initiate any process under this Policy. These Confidential Resources are provided to offer non-judgmental support and information to help an individual decide what is best for him or her as he or she recovers.

The Institute employs confidential employees. For an Institute employee to be confidential, the employee must be hired for and functioning within the scope of their duties to which the privilege or confidentiality applies. Disclosures made to these employees means that information cannot be disclosed to anyone internal or external to the Institute without the expressed permission from the individual disclosing the information. When a

Confidential Employee receives information or a report about any act that potentially constitutes a violation of this Policy, they must share the following information: 1) that they are a confidential employee for purposes of this Policy, including the circumstances in which the employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute Sex Discrimination, including Sex-Based Harassment; 2) how to contact the Title IX Coordinator and how to make a complaint of conduct prohibited under this Policy; and 3) that the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the grievance procedures.

### 2. Confidential Resources

The following is the contact information for on-campus confidential resources for students:

**Counseling Office**  
**Student Life Building, First Floor**  
**315-797-0000 ext. 2012 or 315-927-8643**  
**(Available Monday-Friday 9 a.m.-4:30 p.m.)**

- ▶ After hours crisis support available after hours by calling Campus Safety.
- ▶ The counseling services noted above are available to students free of charge.

The following is the contact information for confidential resources for employees:

**Employee Assistance Program**  
**Center for Family Life and Recovery**  
**315-733-1726**  
**eap@cflrinc.org**

The following is the contact information for off-campus confidential resources for any individual:

- ▶ Safe Horizon: 800-621-HOPE (4673)
- ▶ RAINN National Sexual Assault Hotline: 800-656-HOPE
- ▶ National Domestic Violence Hotline: 800-799-SAFE
- ▶ New York State Domestic Violence Hotline, 1-800-942-6906
- ▶ New York State Office of Victim Services, 1-800-247-8035
- ▶ Planned Parenthood, 1424 Genesee St., Utica, N.Y. 13502, 315-724-6146
- ▶ YWCA Mohawk Valley, 24-hour Crisis Hotline, 315-797-7740  
Non-crisis: info@ywcamv.org, 315-732-2159
- ▶ Medical/Emergency Room  
Wynn Hospital, 440 Columbia St., Utica, N.Y. 13502, 315-917-9966

These confidential resources can help and provide information regarding medical assistance and treatment (including information about sexually transmitted infections and sexual assault forensic examinations) and resources available through the

New York State Office of Victim Services, and law enforcement options.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting on- and off-campus resources. When a report is made to these confidential resources, a report is not being made to the Institute, and it will not result in other supportive measures, an investigation, or other corrective measures. Any person who desires supportive measures (such as a change in housing, academic, or work assignments) or wishes to seek formal action in response to their allegations (such as investigation, hearing, and/or sanctions) is encouraged to make their report/disclosure to the Title IX Coordinator.

### **3. Non-Confidential Resources – Reporting to the Institute**

The Institute is committed to providing a prompt, fair, and impartial response to all allegations of Prohibited Conduct and has non-confidential campus resources available to the Pratt Munson community. These non-confidential resources are required to report disclosures of Prohibited Conduct to the Title IX Coordinator. The following is the contact information for offices and individuals who have been trained to receive and respond to reports of Prohibited Conduct under this Policy:

- ▶ **Title IX Coordinator, Tiffany Varlaro**  
tvarlaro@prattmunson.edu or  
315-797-0000 ext. 2183 or 315-927-8646
- ▶ **Director of Human Resources, Eva Gibbons**  
egibbons@munson.art or 315-797-0000  
ext. 2116
- ▶ **Dean of Students, Suzanne Snyder**  
ssnyder@prattmunson.edu or  
315-797-0000 ext. 2220
- ▶ **Campus Safety Director, Chris Holmer**  
cholmer@munson.art or 315-797-0000  
ext. 2126

### **E. Reporting to Law Enforcement**

Some Prohibited Conduct may constitute a violation of both the law and the College's policies. The Institute encourages students to report alleged crimes promptly to local law enforcement agencies. All persons have the right to file with law enforcement, as well as the right to decline to file with law enforcement. Pratt Munson's Campus Safety Department is available 24/7 to assist in notifying law enforcement of an incident and in contacting law enforcement or legal service organizations to learn about these remedies. The decision not to pursue a criminal charge shall not be considered as evidence that there was not a violation of this Policy.

The Utica Police Department, which can be reached at 315-735-3301, can assist in filing a criminal complaint and in securing appropriate examination, including by a Sexual Assault Nurse Examiner. The New York State Sexual Assault Hotline, which can be reached at 1-844-845-7269, may also be of assistance in reporting an incident to law enforcement. In addition, an individual making a report to local law enforcement may also be able to obtain services through the New York State Office of Victim Services.

Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy. Conduct may constitute Prohibited Conduct under this policy even if it is not deemed to constitute a crime or there is not a finding of a criminal violation. The criminal process and the Institute's disciplinary process under this Policy are not mutually exclusive or dependent on each other.

Resolution proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. However, when a complaint is made to the Institute as well as to law enforcement, the Institute may temporarily delay its resolution process if a law enforcement agency requests that Pratt Munson temporarily delay its resolution process while law enforcement gathers evidence. Temporary delays should not last more than 10 business days except when law enforcement specifically requests and justifies a longer delay. Criminal or legal proceedings are separate from the processes in this policy and do not determine whether this policy has been violated.

In the case of an emergency, where the physical well-being of a member of the Institute community or the safety of the Institute as an institution is threatened, any individual with such knowledge should promptly inform the Campus Safety Department. The Institute may take any immediate steps as may be necessary and appropriate under the circumstances to ensure the well-being of the Institute community and Pratt Munson as an institution.

### **Orders of Protection**

Orders of protection may be available to individuals who have experienced or are threatened with violence, through the court system. In appropriate circumstances, an order of protection may be available that restricts the offender's right to enter the Institute's property. Munson and the College will abide by a lawfully issued order of protection. Pratt Munson officials will, upon request, provide reasonable assistance to students and employees in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order. If an

order of protection is granted, the Complainant and the Respondent have the right to receive a copy of the order of protection when the order is received by the Institute. Both parties will also have the opportunity to have an appropriate Institute employee explain the order, the consequences for violating the order, and answer any questions about the order. Additionally, if the respondent violates the order of protection, the Complainant may receive assistance from the Institute in calling local law enforcement to inform them of the violation and/or effect an arrest for violating such an order of protection.

Sex Offenses under New York law are described in Sections 130.00 to 130.96 of the New York State Penal Code, available at <http://public.leginfo.state.ny.us/menugtf.cgi?COMMONQUERY=LAWS>.

## **F. False Allegations and Information**

Members of the Institute's community are expected to provide truthful information in any report, meeting, or proceeding under this Policy. Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action under either the Student Code of Conduct or via Human Resources. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a Policy violation determination. Additionally, witnesses and parties providing knowingly false evidence or deliberately misleading an official conducting an investigation may be subject to discipline as appropriate.

## **XI. RESPONDING TO A REPORT**

The following process will be used following the receipt of a report of Prohibited Conduct.

### **A. Initial Contact**

Following receipt of a report alleging a potential violation of this Policy, the Title IX Coordinator will contact the Complainant to meet with the Title IX Coordinator for an initial intake and assessment meeting, and will provide the following:

- ▶ Following receipt of a report alleging a potential violation of this Policy, the Title IX Coordinator will contact the Complainant to meet with the Title IX Coordinator for an initial intake and assessment meeting, and will provide the following:
  - ▶ Access to this Policy;
  - ▶ The availability of Supportive Measures, including the availability of no contact orders, regardless of whether a complaint is filed and/or any resolution is initiated;
  - ▶ The options for resolution and how to make a complaint and initiate a resolution process;
  - ▶ The right to notify law enforcement as well as the right not to notify law enforcement;
  - ▶ The importance of preserving evidence and obtaining a sexual assault forensic examination as

soon as possible (if applicable);

- ▶ In the case of potential criminal misconduct, how to get assistance from Campus Safety or local law enforcement in preserving evidence;
- ▶ The Institute uses the preponderance of the evidence standard when determining responsibility and that this standard is different from the one used in the criminal process;
- ▶ The right to an advisor of choice, if applicable, during the Institute's proceedings under this Policy including the initial meeting with the Title IX Coordinator;
- ▶ A statement that retaliation for filing a complaint, or participating in the complaint process, is prohibited;
- ▶ The option to withdraw a complaint or involvement from the institution process at any time; and
- ▶ Explain the prohibition against retaliation and that the Institute will take prompt action in response to any act of retaliation.

### **B. Initial Intake and Assessment**

The Initial Assessment process seeks to gather information about the nature and circumstances of the report to determine whether this policy applies to the report and, if so, which resolution process may be appropriate. The Title IX Coordinator will respond to any immediate safety or well-being concerns raised by the disclosure or report. The initial assessment is not a finding of fact or responsibility. If the individual bringing forward the report is not the actual complainant, the Title IX Coordinator will limit communication to general information on policies and processes.

Should the Complainant wish to initiate a resolution process, the Title IX Coordinator will determine whether this Policy applies and, if so, the appropriate process under this Policy. The Title IX Coordinator will communicate to the Complainant this determination. If the information provided does not suggest a potential violation of this Policy, the Title IX Coordinator will assess whether a different College policy is applicable.

### **C. Requests for Confidentiality or No Further Action**

When a Complainant requests that the Institute not use their name as part of any resolution process, or that the Institute not take any further action, the Institute will generally try to honor those requests. However, there are certain instances in which the Institute has a broader obligation to the community and may need to act against the wishes of the Complainant. In such circumstances, the Title IX Coordinator will notify the Complainant in writing of the need to take action. The Title IX Coordinator may consider whether to move forward against a Complainant's wishes at any point, including after an initial disclosure or report (whether by the impacted

party or another individual), after intake, or after the Complainant wishes to withdraw their request to investigate. The factors the Title IX Coordinator may consider when determining whether to act against the wishes of a Complainant include but are not limited to:

- ▶ The Complainant's request not to proceed with initiation of a complaint and/or a formal resolution process;
- ▶ The Complainant's reasonable safety concerns regarding initiation of a complaint;
- ▶ The risk that additional acts of Prohibited Conduct would occur if a complaint is not initiated;
- ▶ The nature and severity of the alleged conduct;
- ▶ The age and relationship of the parties, including whether the Respondent is an employee of the Institute;
- ▶ The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing or an escalation of Prohibited Conduct by the Respondent, whether there have been other Prohibited Conduct complaints about the Respondent, and/or whether Prohibited Conduct is alleged to have impacted multiple individuals;
- ▶ Whether the Respondent has a history of arrests or disciplinary records or if there is an increased risk that the Respondent will commit additional acts of violence; and other aggravating circumstances;
- ▶ Whether the responding party has a history of violent behavior or is a repeat offender;
- ▶ The availability of evidence to assist a Decision Maker(s) in determining whether discrimination occurred;
- ▶ Whether the Institute could end the alleged discrimination and prevent its recurrence without initiating its resolution procedures under this Policy;
- ▶ Whether the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other persons, or that the conduct as alleged prevents the Institute from ensuring equal access on the basis of sex to its education program or activity;
- ▶ Whether the alleged incident involved the use of a weapon, force, or violence.

Where the only parties to the situation are employees, the Institute will be less inclined to honor a request for confidentiality. The Title IX Coordinator has ultimate discretion over whether the Institute proceeds when a Complainant does not wish to do so. This Policy provides the Complainant with as much control over the process as possible, while respecting the Institute's obligation to protect its community and follow the law. If, after considering the above-mentioned factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the reporting party/Complainant or other person, or that the conduct as alleged prevents the Institute from ensuring equal access on the basis of sex

to its education program or activity, the Title IX Coordinator may initiate a complaint. If the Title IX Coordinator decides to initiate a complaint against the Complainant's wishes, the Title IX Coordinator will inform the Complainant or reporting party of the action(s) and provide necessary support to protect and assist them. The information a Complainant or Reporting Party provides to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

#### **D. Supportive Measures**

Supportive measures may be taken to immediately respond to a situation. Once a report is made under this Policy, the Complainant will be contacted by the Title IX Coordinator and offered individualized support in the form of supportive measures. Supportive measures are non-disciplinary and non-punitive individualized services provided by the Institute, free of charge, to the Complainant and/or Respondent that are intended to restore or preserve equal access to the Institute's educational programs or activities, protect the safety of the parties, or protect the educational environment without unreasonably burdening the either party. Supportive measures can be provided at the time of a report; before, during, or after a resolution process is initiated; or where a report is made but no formal resolution process is initiated. The filing of a complaint or an individual's participation in a resolution process is not required to obtain supportive measures. Supportive measures will be offered to Respondents when they are notified of a report or complaint involving allegations under this Policy.

Accordingly, after an intake meeting, the Title IX Coordinator may impose a mutual 'no contact' order, which typically will include a directive that the parties refrain from having contact with one another, whether in person or via electronic means pending the informal and/or formal resolution processes provided under this Policy, if applicable. The Title IX Coordinator may also implement any other supportive measures deemed appropriate. Supportive measures may also include, but are not limited to, counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties (i.e. no contact orders that may be mutual or, in certain circumstances, one-way no contact orders may be used); leaves of absence; and changes in class, work, housing, or extracurricular or any other activity. The Title IX Coordinator is responsible for coordinating the implementation of supportive measures, including coordinating with the various Institute departments and offices that may be involved.

The Institute will offer and coordinate supportive measures as appropriate for the parties as applicable to restore or preserve their access to

its program or activity or provide support during the resolution procedures. At any time, a party may request additional or alternate supportive measures by contacting the Title IX Coordinator. The Institute will grant such requested supportive measures provided they are reasonable and available. The Institute will provide information about any supportive measures to only those having a need to know such information in order to implement and/or support them.

Upon request, the Complainant or Respondent may request a prompt review of the need for and terms of any supportive measures imposed or requested that directly affect them, including the potential addition, modification, or elimination of such supportive measures. Parties are allowed to submit evidence in support of any such challenge. An impartial employee will be designated to consider modification or reversal of the Institute's decision to provide, deny, modify, or terminate supportive measures. When the individual providing supportive measures is not the Title IX Coordinator but another individual identified by the Title IX Coordinator to provide supportive measures, the Title IX Coordinator will be designated to consider any challenge regarding supportive measures. The impartial employee will typically respond to the challenge within five business days. This determination is not subject to further review absent changed circumstances. Violation of the parameters of supportive measures may violate existing codes or handbooks and, if applicable, such violation will be resolved via the existing Code or Handbook.

### **E. Emergency Removal of Student Respondents**

For all forms of reported Prohibited Conduct, the College retains the authority to remove a student Respondent from the Institute's program or activity on an emergency basis, where the Institute (1) undertakes an individualized safety and risk analysis, (2) determines that an immediate and serious threat to the health or safety of a Complainant or any student, employee, or other individual in the campus community arising from the allegations of sex discrimination justifies a removal, and (3) the Institute provides the Respondent with notice of and an opportunity to challenge the decision immediately following the removal.

When an emergency removal or interim suspension is imposed, the affected student and the Complainant will be notified of the action, which will include a written rationale. Both the accused or Respondent and the Complainant shall, upon request, be afforded a prompt review, reasonable under the circumstances of the need for and terms of the interim suspension, including potential modification, and shall be allowed to submit evidence in support of the request. Parties desiring to challenge the emergency removal or interim suspension must submit a written request

to the Title IX Coordinator within two business days of the notification, providing the basis for that request and any evidence in support. The Institute will designate an impartial individual, not otherwise involved in the case, to consider the challenge to the removal and determine if the emergency removal was reasonable.

The emergency removal process applies only to student Respondents. Employee Respondents are not subject to this section and may be placed on administrative leave pursuant to the College's employment policies and practices. Note on student employees: when a Respondent is both a student and an employee of the Institute, the Institute will make a fact-specific inquiry to determine whether this procedure applies to that student employee. Among other things, the Institute will consider if the Respondent's primary relationship with the Institute is to receive an education and whether the alleged sex-based harassment or other policy violation occurred while the individual was performing employment-related work.

### **F. Administrative Leave for Employees**

The Institute retains the authority to place an employee Respondent or student-employee Respondent on administrative leave during a pending complaint process under this Policy, with or without pay as appropriate. Student-employee respondents may only be placed on administrative leave in the context of their student employment.

### **G. Dismissal of a Complaint**

Before dismissing a complaint of Prohibited Conduct, the Institute will make reasonable efforts to clarify the allegations with the Complainant.

The Institute may dismiss a complaint if:

- ▶ The Institute is unable to identify the Respondent after taking reasonable steps to do so;
- ▶ The Respondent is not participating in the Institute's education program or activity and is not employed by Munson or the College;
- ▶ The Complainant voluntarily withdraws their complaint in writing and the Title IX Coordinator declines to initiate a complaint;
- ▶ The Complainant voluntarily withdraws some but not all allegations in a complaint in writing, and the Institute determines that the conduct that remains alleged in the complaint would not constitute Prohibited Conduct under this Policy; or
- ▶ The Institute determines the conduct alleged in the complaint, even if proven, would not constitute a violation of this Policy.

Upon dismissal, the Institute will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the Institute will notify the Parties

simultaneously in writing. If a dismissal of one or more allegations changes the appropriate decision-making process under these procedures, the Title IX Coordinator will include that information in the notification.

The Institute will notify the Complainant that a dismissal may be appealed on the basis outlined in the Appeals section. If dismissal occurs after the Respondent has been notified of the allegations, then the Institute will also notify the Respondent that the dismissal may be appealed on the same basis. If a dismissal is appealed, the Institute will follow the procedures outlined in the Appeals section of these procedures.

When a complaint is dismissed, the Institute will, at a minimum:

- ▶ Offer supportive measures to the Complainant as appropriate;
- ▶ If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
- ▶ Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that discrimination does not continue or recur within the Institute's educational program or activity.

A Complainant who decides to withdraw a complaint or any portion of it may later request to reinstate it or refile it.

## **H. Referrals for Other Misconduct**

The Institute has the discretion to refer complaints of misconduct not covered by this Policy for handling under any other applicable Institute Policy or Code. As part of any such referral for further handling, the Institute may use evidence already gathered through any process covered by this Policy.

Should there be a conflict between the provision of this Policy and other Institute policies, procedures, rules, regulations, or terms or conditions of employment, the provisions of this Policy will govern unless specifically stated otherwise.

This Policy and these procedures are separate from the College's student disciplinary processes, by which the College may bring a discipline charge against a student for violating College policy according to the provisions found in College's Student Code of Conduct.

## **I. Consolidation of Cases**

The Institute may consolidate complaints under this Policy as appropriate: for example, if there are multiple complaints where the allegations of Prohibited Conduct arise out of the same facts or circumstances, or there are multiple complaints with overlapping parties.

The Institute also reserves the right to use this Policy to adjudicate other allegations and conduct charges as defined by policies outside of the scope of this Policy in instances when the conduct is associated with an alleged issue of Prohibited Conduct under this Policy. The Title IX Coordinator will address these consolidated complaints in collaboration and coordination with other appropriate offices, such as Student Life and Human Resources. Allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this Policy.

## **XII. INFORMAL RESOLUTION**

Informal Resolution is an agreement-based alternative to the formal resolution process where the parties each voluntarily agree to resolve the complaint in a way that does not include an investigation and/or hearing. Informal Resolution is a voluntary, structured interaction between or among affected parties that balances support and accountability. An informal resolution does not necessarily require the parties to meet together. An informal resolution may involve an Institute employee and/or a third-party facilitator, acting as neutral facilitator of the process, to be selected by the Institute. Anyone designated to facilitate an informal resolution process will not have a conflict of interest or bias. Informal resolution may involve mediation or restorative practices, by which the parties reach a mutually agreed upon resolution of an allegation. An informal resolution can include an acceptance of responsibility by the Respondent. The Title IX Coordinator or designee may also, with the consent of the parties, negotiate and implement an agreement to resolve the allegations that satisfies all parties. If Informal Resolution is initiated, the Title IX Coordinator must still take other prompt and effective steps as needed to ensure that discrimination does not continue or recur within the education program or activity.

Any party may design a proposed agreement between the parties. The Title IX Coordinator must approve of the use of the Informal Resolution process and approve the final agreement between the parties. Informal Resolution may be initiated by any party at any time prior to the release of a hearing or Decision Maker outcome. Once the final terms of the Informal Resolution Agreement have been agreed upon by all parties, in writing, and approved by the Title IX Coordinator, the matter will be considered closed, and no further action will be taken. Agreements reached via the Informal Resolution Process are final and cannot be appealed.

At any time, the Title IX Coordinator has the discretion to determine that Informal Resolution is not an appropriate way to address the reported conduct and can refer the matter to the formal resolution process. The Institute will not require as a condition of enrollment or continuing enrollment,

or employment or continuing employment, or enjoyment of any other right, waiver of the right to the formal resolution process.

Prior to the initiation of Informal Resolution, the Title IX Coordinator will provide the parties written notice that includes:

- ▶ The allegations and the specific conduct that is alleged to have occurred;
- ▶ The requirements of the Informal Resolution process;
- ▶ Any consequences resulting from participating in the Informal Resolution process, including the records that will be maintained or could be shared, and whether the Institute could disclose such information for use in a future Institute resolution/grievance process, including an investigation and resolution process arising from the same or different allegations, as may be appropriate;
- ▶ Notice that once an agreement is finalized and signed by the parties, the agreement is binding only on the parties, the resolution is not subject to appeal, and the parties cannot initiate or continue an investigation procedure arising from the same allegations;
- ▶ A statement that the Respondent is presumed not responsible for violating this Policy, unless Respondent admits to or accepts responsibility for violations of this Policy;
- ▶ An explanation that all parties may be accompanied by an advisor of their choice
- ▶ A statement that any party has the right to withdraw from the Informal Resolution process and initiate or resume formal resolution procedures at any time before agreeing to an informal resolution;
- ▶ Notice that any violations of the agreed terms of the Informal Resolution Agreement may result in referral to the Student Code of Conduct or Human Resources for disciplinary action; and
- ▶ Information regarding Supportive Measures, which are available equally to the parties.

### **XIII. FORMAL RESOLUTION/GRIEVANCE PROCESS**

In order to proceed with a formal resolution/grievance process under this Policy, the Complainant, or in certain instances the Title IX Coordinator, must make a complaint. The Complaint may be an oral or written request that objectively can be understood as a request for the Institute to investigate and make a determination about alleged Prohibited Conduct. The Institute has adopted formal resolution/grievance procedures that provide for the prompt and equitable resolution of complaints alleging sex discrimination, sex-based harassment, or any other conduct prohibited under this Policy. A grievance process includes an investigation and adjudication process. The outcome of a grievance process is that the person accused is found either Responsible or Not Responsible for having committed a violation of this Policy. A violation results in appropriate sanctions and

other remedies to address the violation. Under the Institute's grievance process, all reporting parties and responding parties will be treated equitably. The process is designed to preserve or restore equal access to all of the Institute's education programs and activities.

The Grievance Procedures set forth below in this Policy are applicable to all complaints of sex-based harassment involving a student as a party (whether the student is a Complainant and/or Respondent), as well as complaints of sex discrimination or other prohibited conduct in which a student is a party. A separate grievance procedure applies to complaints of sex discrimination, sex-based harassment, and retaliation where both parties are Institute employees. The "Grievance Procedures for Sex Discrimination and Sex-Based Harassment Complaints for Employees" is attached hereto as Appendix A.

#### **A. Notice of Allegations and Investigation**

Where a complaint has been filed, and in the absence of an informal resolution, the Institute will initiate an investigation. Both the Complainant and Respondent will receive a Notice of Allegations and Investigation. This Notice shall include, to the extent known:

- ▶ Notice of the College's Sex Discrimination and Sex-Based Harassment Policy, which shall include the applicable procedures that will be used in the investigation and resolution, and a link to the relevant Policy;
- ▶ Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);
- ▶ The Policy provisions allegedly violated;
- ▶ A statement that retaliation is prohibited;
- ▶ A description of the investigation and adjudication process;
- ▶ Potential sanctions;
- ▶ A statement that the parties may have an advisor of their choice who may be, but is not required to be, an attorney
- ▶ The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence in accordance with this Policy;
- ▶ Notice that the Institute prohibits knowingly making false statements or knowingly submitting false information during resolution procedures;
- ▶ The name and contact information for the appointed Investigator(s), and an opportunity of not more than three business days after the notice to raise an objection to the investigator(s) based on any alleged conflict of interest or bias known to the party. If an objection is raised, the Title IX

Coordinator will determine whether a conflict of interest in fact exists and necessitates the replacement of the investigator(s);

- ▶ Neither party is restricted from discussing the allegations or gathering and presenting evidence;
- ▶ Formal Resolution process decorum rules which shall include the following:
  - Individuals participating in the formal resolution process are expected to maintain decorum and abide by any expectations detailed in this policy or provided by the Investigator, Decision Maker(s), or Title IX Coordinator. These expectations are applied equally to all parties and advisors.
  - Parties and Advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning;
  - No party may act abusively or disrespectfully toward any other party, witness, Investigator, or any other resolution process participant.
  - No unauthorized audio or video recording of any kind is permitted during any proceeding or meeting. If the Investigator or Title IX Coordinator elects to audio and/or video record interviews, meetings, or proceedings, all involved parties must be made aware of audio and/or video recording
  - The Institute has the discretion to remove, with or without prior warning, from any meeting or proceeding a party, witness, or advisor who does not comply with the College's rules of decorum;
- ▶ A statement that the Respondent is presumed not responsible for the alleged conduct until a determination is made at the conclusion of the resolution process. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decision Maker(s); and
- ▶ Informs the parties that if during the investigation, the Institute decides to investigate allegations that are not included in this original notice described above, the Institute will provide notice of the additional allegations to the parties.

If, in the course of an investigation, the Institute decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Allegations and Investigation and are otherwise covered within this Policy, the Institute will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means.

## **B. Investigation**

Where a complaint has been filed, and in the absence of an informal resolution, the Institute will appoint investigators to conduct an investigation into the allegations in the complaint. The investigation may be conducted by a

single investigator or a team consisting of two members of the Title IX Investigation Team. In certain circumstances, the Title IX Coordinator may decide to assign external Investigator(s) or an external Investigator in conjunction with an internal Investigator. The investigation is an impartial fact-gathering process. All investigations are thorough, reliable, impartial, prompt, and fair. The investigation process generally includes interviewing the persons involved, including witnesses, and gathering and considering relevant evidence. The Complainant and Respondent will be given an equal opportunity to present separately information in the context of the investigation. The Investigators retain discretion to determine how to conduct the investigation and what information is necessary and relevant, subject to the direction of the Title IX Coordinator.

Once the decision to commence a formal investigation is made, the Title IX Coordinator will appoint a trained Investigator(s) to conduct the investigation. A party wishing to challenge the selection of the Investigator based on any alleged conflict of interest or bias known to the party must notify the Title IX Coordinator, in writing, within three business days of receipt of the name and contact information of the Investigator, stating the specific reason(s) for the party's objection. The Title IX Coordinator will determine whether the challenge has merit, and reserves discretion to make changes to the individual assigned as the Investigator. No Investigator will have a conflict of interest or bias.

Allegations of Prohibited Conduct will normally be investigated within 30 business days from the issuance of the formal Notice of Allegation and Investigation, though some investigations may take more time depending on the nature and specific circumstances of the case, involvement of law enforcement, and/or availability of witnesses. This timeframe may be paused if the parties enter into Informal Resolution. The Institute will make a good faith effort to complete investigations as promptly as possible and will communicate regularly with the parties to update them on progress, timing of the investigation and delay for good cause, if necessary.

During the investigation, the Institute has the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility. While the Complainant and the Respondent are not restricted from gathering and presenting relevant evidence, the Investigator is responsible for gathering relevant evidence to the extent reasonably possible.

The Investigator may decline to interview any witness or to gather information the Investigator finds to be not relevant or otherwise impermissible. The following types of evidence will be excluded as impermissible (even if otherwise relevant):

- ▶ Evidence that is protected under a privilege recognized by federal, state, or local law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- ▶ A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the Institute obtains that party's or witness's voluntary, written consent for use in its investigation and adjudication procedures; and
- ▶ Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the respondent that is offered to prove consent.

The Investigator retains discretion to determine the order and method of investigation, witnesses as unnecessary or inappropriate, and to determine what evidence is relevant. Generally, the Institute does not provide for character witnesses in other proceedings, and they will not be permitted in investigations and the grievance processes conducted pursuant to this Policy. Information will be obtained from each party separately. An investigation usually involves the following steps and expectations:

- ▶ Interviews of the Complainant and Respondent (e.g., Parties), including witnesses, and conduct follow-up interviews with each, as necessary. A good faith effort is made to interview all parties.
- ▶ The Complainant and Respondent will be permitted to have an advisor of their choice, who may be, but is not required to be, an attorney, attend any investigatory interview/meeting with them (at the party's own expense if the advisor is a paid advisor). Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with an approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the resolution process and may be subject to further Institute discipline for failure to do so.
- ▶ Gathering and reviewing relevant evidence. The parties will be given an equal opportunity to present information in the context of the investigation, such as documents, communications, photographs, and other evidence, and the opportunity to suggest fact and expert witnesses and other inculpatory or exculpatory evidence. Parties and witnesses are expected to provide all available relevant evidence to the Investigator during the investigation. If relevant evidence is destroyed by a party, the

Decision Maker(s) can take that into account in assessing the credibility of the parties and the weight of evidence in the case.

- ▶ Parties whose participation is invited or expected at an investigative interview or other meeting will be provided written notice of the date, time, location, participants, and purpose of said event. Typically, Institute employees (who are not a Complainant) are required to participate in an investigation
- ▶ Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript or recording) of the relevant evidence/testimony from their respective interviews and meetings.

## C. Evidence Review and Investigative Report

### Evidence Review

The Complainant and Respondent will be provided an equal opportunity to inspect and review any evidence gathered in the investigation that is relevant and not otherwise impermissible. All parties must submit any evidence they would like the Investigator(s) to consider prior to when the Parties' time to inspect and review evidence begins. Prior to the conclusion of the investigative report, the Complainant and Respondent, and each Party's advisor of choice, if any, will be provided a copy (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform) of the evidence, subject to redaction permitted and/or required by law. To maintain the privacy of those participating in the process, the Institute reserves the right to only make available at an in-person and monitored meeting on campus non-transcribed audio or audiovisual recordings or other evidence that cannot be reasonably secured via the file sharing program. The Complainant and Respondent will be provided with at least 10 days to submit a written response, which the Investigator will consider prior to completion of the investigative report. This is the final opportunity to offer evidence. Evidence not provided during the investigation process will not be considered by the Decision Maker(s). The investigator will determine if additional investigation is necessary and, if so, will complete any additional investigative steps.

### Investigative Report

At the conclusion of the investigation, the investigators will complete a written investigative report that fairly summarizes the relevant evidence. The Investigators need not include information in the investigative report that the Investigators determine not relevant or otherwise impermissible. The investigators will submit the investigative report to the Title IX Coordinator. At least seven days prior to a hearing to determine whether there is responsibility for the allegations, the Complainant and Respondent, and each Party's advisor if any, will be provided a copy of

the investigative report (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform), subject to redaction permitted and/or required by law, for each Party's review and (if desired) written response. Both Parties have the right to review any written response submitted by the other Party.

Given the sensitive nature of the information provided during both review periods, none of the Parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any party who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

#### **D. Acceptance of Responsibility**

If a respondent accepts responsibility for all or part of the Prohibited Conduct alleged prior to a final determination, the Title IX Coordinator may:

- ▶ Refer the violations and remaining allegations (if applicable) to the Informal Resolution Process (the parties must consent to participate in the Informal Resolution Process).
- ▶ Refer the violations to a Decision Maker(s) who will issue an appropriate sanction and continue processing any remaining allegations of Prohibited Conduct via the Formal Resolution Process, if any.

#### **E. Hearing**

Following the conclusion of the investigation, a hearing will be scheduled. The purpose of a hearing is for the Decision Maker(s) to determine whether the alleged conduct occurred, and if so, whether that conduct violates this policy. Each Party shall be provided with a Notice of Hearing, which shall include:

- ▶ Information regarding the date of the hearing;
- ▶ The identity of the Decision Maker(s);
- ▶ The process to be used at the hearing;
- ▶ Deadlines for submission of optional comments to the final investigation report/evidence file;
- ▶ The process for identifying witnesses;
- ▶ The process to submit questions to be asked by the Decision Maker(s) at the hearing; and
- ▶ Instructions for scheduling an optional pre-hearing meeting with the Title IX Coordinator.

The hearing shall be scheduled no less than seven business days from the date of the Notice of Hearing and the parties will be provided at least seven business days to review the final investigation report and evidence file prior to the hearing.

No Decision Maker(s) shall have a conflict of interest or bias. Each party will be provided the

opportunity to object to the Decision Maker(s) on the basis of a demonstrated bias or actual conflict of interest. Any objections to the Decision Maker(s) must be made in writing to the Title IX Coordinator, identifying the bias or actual conflict of interest, within three business days of receipt of the Notice of Hearing. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator shall remove the Decision Maker(s) and appoint another. This process will repeat for any newly appointed Decision Makers.

#### **a. Hearing Procedures**

All individuals who participate in the hearing All individuals who participate in the hearing process are expected to do so truthfully, and all who have a responsibility for carrying out one or more aspects of the hearing process are expected to do so fairly and without prejudice or bias. Hearings may be conducted with all Parties physically present in the same location or, at the Title IX Coordinator's discretion, any or all Parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling the Hearing Panel and the parties to simultaneously see and hear any party or witness providing information or answering questions. If either Party so requests, the hearing will be conducted with the Parties located in separate rooms using technology as described in the preceding sentence.

The Institute will appoint the Decision Maker(s), who may be a single Decision Maker or three-member Hearing Panel, who will determine whether a violation of this Policy has occurred. The Decision-Maker/Hearing Panel members may be members of the campus community or may be external to the College, as determined by the Title IX Coordinator. If compelling circumstances arise that require a change in the hearing date or time, the Title IX Coordinator will provide the Parties with written notice explaining the reason for such change. Typically, an advisor's or witness's inability to attend a hearing will not be a compelling reason to change the hearing date or time.

Parties and student witnesses are not obligated to participate in the live hearing, however, the Institute may require witnesses that are Institute employees to participate in the hearing process. The Title IX Coordinator may determine that the hearing will continue in the absence of any party or any witness. If a party or witness does not submit to some or all questioning at the hearing that are requested to be asked by a Party, the Decision Maker(s) may choose to place less or no weight upon statements by the Party or witness. The Decision Maker(s) shall not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer questions posed.

Each hearing shall be recorded by the College, either via an audio recording or transcript, and

this recording will be considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place. The recording is the property of the College. That recording or transcript will be made available to the Parties, upon request, for inspection and review. Prior to obtaining access to the recording or transcript, the parties and their advisors must acknowledge in writing that they will not disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the grievance process.

### ***Witness Participation***

The Parties will have the right to identify and request witnesses participate in the hearing. Witnesses participating in the hearing must have information relevant to the allegations. Parties who wish to call witnesses must submit the name of the witness to the Title IX Coordinator within three business days upon receipt of the Notice of Hearing to the Title IX Coordinator. Only witnesses who participated in the investigation will be permitted to participate in the hearing. The list of witnesses requested by the Parties will be shared with the Decision Maker(s). The Decision Maker(s) will then determine whether the witness has relevant information and if there is sufficient justification for permitting the witness to participate. The Decision Maker(s) may instead send the case back to the Investigator to interview the newly proffered witness prior to the hearing taking place. A list of witnesses approved by the Decision Maker(s) will be provided to the parties at least three business days prior to the hearing.

### ***Hearing Decorum Guidelines***

The Decision Maker(s) shall have the authority to maintain order and decorum at the hearing. The Decision Maker(s) or Title IX Coordinator will have the authority when necessary to adjourn the hearing or exclude from the meeting, process, or hearing an involved party and/or Advisors who do not comply with the expectations of decorum.

- ▶ Parties and advisors will refer to other Parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning.
- ▶ No party may act abusively or disrespectfully during the hearing toward any other Party or to witnesses, advisors, Decision Maker(s), or any other hearing participant.
- ▶ The parties may not ask repetitive questions. This includes questions that have already been asked by the Decision Maker(s) or the party (through the Decision Maker).
- ▶ The Institute has the discretion to remove, with or without prior warning, from any meeting or proceeding a Party, witness, or advisor who does not comply with the College's rules of decorum;

The Decision Maker(s) has the authority to determine the relevance of evidence submitted and of questions asked; and to determine whether any questions are abusive, intimidating, or disrespectful, and will not permit such questions. The Decision Maker(s) will determine when reasonable breaks are permitted and the duration of each break. Parties are permitted to request breaks during the hearing.

### ***Newly-Discovered Evidence***

As a general rule, no new evidence or witnesses may be submitted during the live hearing. If a Party identifies new evidence or witnesses that were not reasonably available during the investigation and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing. The Decision Maker(s) will consider this request and make a determination regarding: whether such evidence or witness testimony was unavailable by reasonable effort prior to the hearing, and whether such evidence or witness testimony could affect the outcome of the matter. The Party offering the newly discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

### ***Role of the Advisor***

Each party is entitled to be accompanied by one. Each Party is entitled to be accompanied by one advisor at the hearing. The role of the advisor is to assist the party with understanding and navigating the proceedings. The advisor may not advocate for, respond for, or otherwise speak on behalf of, a Party during the hearing. In the event that a party does not appear for the hearing, the advisor for that Party may not participate in the hearing or submit questions to be asked on behalf of the Party.

### ***Hearing Statements, Questioning, and Presentation of Evidence***

Formal rules of evidence will not apply. Except as otherwise expressly prohibited by this Policy, any information that the Decision Maker(s) determines is relevant and not impermissible may be considered during the hearing. During the hearing, each Party will be permitted to provide a brief introductory statement. Following introductory statements, the Decision Maker(s) will call parties and witnesses for questioning and will limit such questions to relevant and not impermissible questions and follow-up questions, including those challenging credibility. The order of questioning shall be determined by the Decision Maker(s). The Decision Maker(s) will pose questions to the Parties and witnesses, including the questions the Decision Maker(s) approved to be asked that were submitted by each Party prior to the hearing. Each Party will then be provided an opportunity to submit additional follow-up written questions to the Decision Maker(s) that the Party wants asked of the other Party or any witness. If the Decision Maker(s) determines that any questions are not relevant to the allegations, or seek otherwise

impermissible evidence, the Decision Maker(s) shall exclude the question and explain the reason for the exclusion of the question at the hearing and offer an opportunity to the party to reframe or resubmit the question. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. If the Decision Maker(s) determines that a question submitted by a Party is unclear or harassing, the Decision Maker(s) will allow for the question to be clarified or revised. If the question is sufficiently clarified or revised so that it is no longer unclear or harassing, the question will be asked. The Decision Maker(s) will pose all submitted questions deemed relevant and not impermissible, including those challenging credibility to the extent credibility is both disputed and relevant to evaluating one or more allegations under this Policy. Such decisions by the Decision Maker(s) are final and not subject to objection or reconsideration during the hearing.

The Parties are not permitted to conduct direct questioning of the other Party or witnesses during the hearing. Only the Decision Maker(s) is permitted to ask questions of Parties and witnesses. Advisors are not permitted to directly or indirectly question the other Party or witness. Following the questioning of Parties and witnesses, each Party will be permitted to provide a closing statement. An advisor is not permitted to provide a closing statement on behalf of their Party.

### **b. Impact Statements**

In any case where a student is a Respondent or Complainant, the Parties may each submit a written impact statement prior to the conclusion of the resolution process. The impact statement is not evidence and will be reviewed only after a determination of responsibility is reached. Impact statements must be submitted to the Title IX Coordinator no more than two business days after the hearing concludes. Impact statements will be provided to the Decision Maker(s) while they are deliberating on appropriate sanctions. The impact statement may be up to three pages single spaced. The Title IX Coordinator will provide the impact statements to the Parties for review. The Parties may not respond to any submitted impact statements. The Title IX Coordinator will provide any submitted impact statements to the Decision Maker(s), only if there is a finding of responsibility, and only once the Decision Maker(s) is deliberating on appropriate sanctions.

### **c. Hearing Outcome**

The Decision Maker(s) will issue a written determination regarding responsibility using the preponderance of the evidence standard. In reaching this decision, all relevant, not otherwise impermissible evidence must be objectively evaluated, and credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.

If the Decision Maker(s) concludes that the Respondent is responsible for a violation of this Policy, then the Decision Maker(s) shall receive the Respondent's disciplinary record (i.e., any previous disciplinary action or other violation of College Policy, including this Policy, for which the Respondent was found responsible), and the Party's impact statements to consider, as appropriate, in determining sanctions. The disciplinary sanction(s) for a violation of this Policy will be based on a consideration of all of the circumstances, including but not limited to, the nature and severity of the conduct, the Respondent's disciplinary history, and any other information deemed relevant by the Decision Maker(s).

Within five business days of the conclusion of the hearing process, the Decision Maker(s) will issue a written determination regarding responsibility to the Title IX Coordinator.

The written determination will include:

- ▶ A description of the alleged Prohibited Conduct;
- ▶ A reference to the policies and procedures used to evaluate the allegations;
- ▶ Description of all procedural steps taken to date;
- ▶ The Decision Maker(s)'s evaluation of the relevant and not otherwise impermissible evidence along with the finding of facts;
- ▶ Determinations for each allegation, with the rationale;
- ▶ Sanction determination (if applicable);
- ▶ Whether remedies will be provided;
- ▶ The procedures for an appeal; and
- ▶ When the determination becomes final.

The written determination will be provided to the parties simultaneously. The Title IX Coordinator is responsible for effective implementation of any remedies. The Institute must wait to act on the determination regarding responsibility, including implementing disciplinary sanctions or remedies, until the determination becomes final. The determination regarding responsibility becomes final either on the date that the Institute provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. Both Parties have the right to choose whether to disclose or discuss the outcome of the formal resolution process.

### **F. Disciplinary Sanctions and Remedies**

Disciplinary sanctions are imposed on a Respondent who has been found responsible and range from a warning up to and including expulsion/termination from the College. The disciplinary sanction(s) for a violation of this Policy will be based on a consideration of all

of the circumstances, including but not limited to: the nature and severity of the conduct, the Respondent's disciplinary history, previous allegations involving similar conduct, and any other information deemed relevant by the Decision Maker(s). The following is a possible list of sanction(s) that may be imposed:

- ▶ Behavioral requirement
- ▶ Change of class/job assignment and/or housing/work location
- ▶ Educational and/or restorative requirements
- ▶ Expulsion/termination
- ▶ College service
- ▶ Loss of privileges
- ▶ Oral or written warning/letter of reprimand or censure
- ▶ Removal from office/position, demotion, and/or reduction in pay
- ▶ Restitution
- ▶ Restriction from College facilities, programs, or activities
- ▶ Restriction from personal contact/no contact order
- ▶ Student residential/College probation
- ▶ Suspension/expulsion from College housing
- ▶ Suspension/leave with or without pay

Remedies may be provided to a Complainant where a Respondent has been found responsible, through formal or informal resolution. Supportive remedies, which can include the supportive measures, range from referral to supportive services such as counseling or medical services to class and housing modifications, withdrawals, or leaves of absence; punitive or corrective sanctions or remedies range from a warning up to and including expulsion/termination from the College or revocation of a degree.

The Institute must wait to act on a determination regarding responsibility, including implementing disciplinary sanctions or remedies, until the determination becomes final. The determination regarding responsibility becomes final either on the date that the Institute provides the Parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

## G. Appeals

Following issuance of a written determination regarding a determination of responsibility or the College's dismissal of a complaint or any included allegations within a complaint, the Complainant and/or Respondent, may file an appeal with the Title IX Coordinator via email: [tvarlaro@prattmunson.edu](mailto:tvarlaro@prattmunson.edu). (Note that a non-community member does not have a right of appeal.)

A written appeal, based on one or more of the

grounds listed below, must be made within five business days of the receipt of the written decision or notification of dismissal of a complaint. The written appeal must clearly and fully set forth the evidence to support each identified ground of appeal which the appealing Party is asserting. If no written notice of either Party's intent to appeal is received by the Title IX Coordinator, then the written determination becomes final after the time period to file an appeal (five business days) has expired.

The grounds for appeal are limited to:

- ▶ Procedural Error: A procedural error occurred would change the outcome. A description of the error and its impact on the outcome of the case must be included in the written appeal; or
- ▶ New Evidence: New evidence or information has arisen that was not available or known to the Party during the investigation or hearing, that would change the outcome; or
- ▶ Actual Conflict of Interest or Demonstrated Bias: The Title IX Coordinator, Investigator, or others with a role in the process with an actual conflict of interest or demonstrated bias for or against Complainants or Respondents generally, or the individual complainant or respondent, that would change the outcome. Any evidence supporting the alleged conflict of interest or demonstrated bias must be included in the written appeal. The professional experience of an individual need not disqualify the person from the ability to serve impartially. Furthermore, bias is not automatically demonstrated simply by working in complainants' or respondents' rights organizations.'
- ▶ Unreasonable Sanction: Any sanction imposed is disproportionate to the nature or severity of the violation(s) or otherwise inappropriate.

When an appeal is filed, the Title IX Coordinator will determine if the written appeal identifies one or more of the grounds for appeal. The Title IX Coordinator will not assess the merit of the appeal, but will review the documentation to confirm that grounds for an appeal have been asserted in the appeal. If a request for appeal is accepted, both Parties will be notified in writing that an appeal is filed. The non-appealing Party will be provided the opportunity to review the appeal and will be permitted three business days from the date of review of the appeal to submit a written statement in support of, or challenging, the appeal. Any Party's decision not to submit a reply to an appeal is not evidence that the non-appealing Party agreed with the appeal.

The Institute will appoint an Appeals Officer(s), who may be a single Decision Maker or Panel of three, to review the appeal. In cases where the Respondent is a student of the College, the appeal will be before a three-member panel. No Appeal Officer shall have a conflict of interest or bias. Anyone who made the determination

regarding responsibility (i.e., who served as the Decision Maker(s) at the hearing) or dismissal of a complaint, investigated the complaint, or who is a Title IX Coordinator will not serve as an Appeal Officer regarding that same complaint. Within three business days of an Appeal Officer(s) being assigned, either Party may provide written objection to the Appeal Officer(s) on the basis of an actual bias or conflict of interest. Any objection is to be sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator will appoint another Appeal Officer. This process will repeat for any newly appointed Appeal Officers.

Appeals are not intended to be full re-hearings of the complaint and generally will be considered upon a review of the written documentation only, of the Parties and any pertinent documentation regarding the grounds for appeal. However, the designated person(s) reviewing the appeal may, as part of this appeal process, speak directly with the investigatory team, the initial Decision Maker(s), or otherwise directly seek additional information from the Parties or witnesses, if considered necessary. A preponderance of the evidence standard will be applied on appeal.

The Appeal Officer(s) will issue a written decision describing the result of the appeal and the rationale for the result. The decision of the Appeal Officer(s) will be communicated to both Parties, simultaneously and in writing. The appeal outcome will be final and binding.

## H. Resolution Timeframes

The Institute will make a good faith effort to resolve complaints as promptly as possible. Unless there is good cause for temporary delay(s), limited extension(s), or other factors that require an extension of timeframes (such as the complexity of the case), the Institute will promptly conclude the following aspects of the resolution process within the below timeframes:

- ▶ The formal resolution process, excluding time spent on informal processes and/or appeal, will be concluded within 95 business days upon receipt of the Notice of Allegations and Investigation.
- ▶ Specific stages of the process will generally proceed within the following time frames: Initial Intake and review of Complaint: Five business days; Investigation: 30 business days; Evidence Review and Investigative Report Review / Response: 30 business days; Hearing: 30 business days.
- ▶ Appeals will be concluded within 15 business days of the filing of an appeal.

Good cause may include, but is not limited to, absence of a Party, advisor, or witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. In

the case of a temporary delay of the resolution process or a limited extension of time frames for good cause, the Institute will provide the Parties with written notice of such delay or extension and the reasons for the action. Both Parties will be notified simultaneously if the Title IX Coordinator determines the Grievance Process cannot be concluded within 95 business days. The notification will outline the reasons for extension.

## XIV. TRANSCRIPT NOTATIONS

Pratt Munson College of Art and Design will denote outcomes of Prohibited Conduct on academic transcripts of students found in violation of this Policy that the College is required by federal law to include in its Annual Security Report. Transcript notations are applied at the conclusion of the hearing proceedings and appeals processes. The following are examples of language that may appear on an academic transcript (as applicable):

- ▶ “Expelled after a finding of responsibility for a Code of Conduct violation”
- ▶ “Suspended after a finding of responsibility for a Code of Conduct violation”
- ▶ “Withdrew with conduct charges pending”

Transcript notations for a student suspended or who chooses to withdraw pending conduct investigation will remain on a transcript for a minimum of one year. After one year’s time, a student may request to have the transcript notation removed by filing an appeal with the Academic Dean. If an appeal is not filed, the notation will be removed after seven years.

To file an appeal to have the transcript notation removed from an academic transcript, a student must submit in writing to the Academic Dean the following:

- ▶ A statement describing the incident and what was learned over their time away from the College.
- ▶ Documentation of successful completion of an in/outpatient program or therapy to address the conduct.

Transcript notations for students expelled are permanent and cannot be appealed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

## XV. ACADEMIC FREEDOM AND FREEDOM OF EXPRESSION

Pratt Munson College of Art and Design is dedicated to an uncompromising standard of academic excellence and an unwavering commitment to academic freedom, freedom of inquiry, and freedom of expression in the search for truth. This Policy is not intended to inhibit or restrict free expression or exchange of ideas, abridge academic freedom, or prohibit educational content or discussions inside or

outside of the classroom that includes germane but controversial or sensitive subject matters protected by academic freedom. Members of the College's community are free to express their views on any academic subject — regardless of whether those viewpoints are provocative or controversial, however such conduct may not infringe on the rights of others or create a hostile environment. The College will not construe this Policy to prevent or penalize a statement, opinion, theory, or idea offered within the bounds of legitimate, relevant, and responsible teaching, learning, working, or discussion.

## **XVI. RECORD RETENTION**

In implementing this Policy, records of all reports and resolutions will be kept by the Title IX Coordinator in accordance with the applicable Institute records retention schedule. All records will be afforded the confidentiality protections required by law, including but not limited to the Family Educational Rights and Privacy Act governing confidentiality of student information. Pratt Munson will create and maintain for not less than seven years the following records:

Each investigation pursuant to this Policy, including any determination regarding responsibility and any audio or audiovisual recording or transcript made in connection with a formal resolution, any disciplinary sanctions imposed on the responding party and any remedies provided to the reporting party or other affected individuals designed to restore or preserve equal access to the College's education program or activity;

- ▶ Any appeal and the result therefrom;
- ▶ Any informal resolution and the result therefrom.

The Institute will also keep for not less than seven years records regarding the response to every report of Prohibited Conduct of which it becomes aware, even if no complaint was filed, including documentation of any supportive measures offered and implemented. If the Institute does not provide a Party with requested supportive measures, then the Institute will document the reasons for that decision. In each instance, the Institute will document the reason for actions taken or not taken, and document that it has taken measures designed to restore or preserve equal access to the College's education program or activity. The Institute will also maintain for not less than seven years records of all materials used to train the Title IX Coordinator, investigators, Decision Makers, persons who facilitate an informal resolution process, and persons responsible for considering appeals. The Institute will make these training materials available for inspection by members of the public on request.

## **XVII. COORDINATION WITH OTHER POLICIES**

A particular situation may invoke one or more Institute policies or processes. These situations will be addressed on a case-by-case basis. The Institute reserves the right to determine the most applicable Policy or process and to utilize that Policy or process. If an individual is charged with policy violations under this Policy and another College policy, the alleged violations may be handled through one resolution process, engaging both the Title IX Coordinator and the other presiding Institute official. In that event, individuals trained in necessary areas for all applicable policies will preside over the hearing or resolution process. In circumstances where there is a conflict between the procedures and/or processes set forth in the Code of Student Conduct, Employee Handbook, and this Policy, the procedures and processes in this Policy will generally govern. A situation that invokes more than one Munson and/or College policy may have allegations divided on the basis of which policy was allegedly violated, with each grouping addressed separately using the grievance process in the pertaining policy.

One or more of the College's personnel policies or faculty and staff Handbook policies may overlap with this Policy in a particular situation. This Policy applies to any situation where a student is the complainant or respondent. In all other situations, the College reserves the right to apply this Policy or another applicable policy or process. The Institute will apply this Policy to any situation where the Institute determines that Title IX requires the application of this Policy.

## **XVIII. APPLICATION OF SECTION 504/ AMERICANS WITH DISABILITIES ACT TO THIS POLICY**

Munson and the College adhere to the requirements of the Americans with Disabilities Act of 1990, as amended 2008 (ADAAA); Sections 504 of the Rehabilitation Act of 1973, as amended; and all other federal and state laws and regulations prohibiting discrimination on the basis of disability. The Institute is committed to providing individuals with disabilities equal access and opportunity, and strives in its policies and practices to provide for the full participation of individuals with disabilities in all aspects of campus life. As related to the implementation of this policy, Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point, including making a disclosure or report, and initiating a resolution procedure. Accommodations will be granted if they are appropriate and do not fundamentally alter the process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other Institute programs and activities. With the consent

of the impacted student or employee, the Title IX Coordinator will work collaboratively with the Student Life Director/Title IX Coordinator for students and/or Human Resources for employee accommodations to ensure that approved reasonable accommodations (disability-related) are honored as applicable throughout any process related to this policy.

### **XIX. CLERY ACT COMPLIANCE**

The Clery Act is a federal crime and incident disclosure law. The Institute is required to include for statistical reporting purposes the occurrence of certain incidents in its Annual Security Report (ASR). The Clery Act also requires the College to issue a warning to the community in certain circumstances. New York State Education Law requires that the College report aggregate data about the reports of hate crimes, domestic violence, dating violence, stalking, and sexual assault. In the statistical disclosures and warnings to the community, the Complainant's name and other identifying information will not be disclosed. The Title IX Coordinator will refer information to Campus Safety when appropriate for a determination about Clery-related actions, such as disclosing crime statistics or sending campus notifications.

### **XX. POLICY REVIEW & REVISION**

This Policy is effective on Aug. 1, 2024, and will only apply to sex discrimination, sex-based harassment, or other Prohibited Conduct that allegedly occurred on or after Aug. 1, 2024. With respect to conduct that allegedly occurred prior to Aug. 1, 2024, regardless of when the alleged sex discrimination or sex-based harassment was reported, the Institute will respond and comply in accordance with the Title IX statute and regulations, and College Policy, in place at the time that the alleged sex discrimination occurred. Thus, if the Institute receives a complaint regarding conduct that occurred prior to Aug. 1, 2024, the previous version of this Policy will apply. The Institute 2020 version of this Policy can be obtained from the Title IX Coordinator.

These policies and procedures will be reviewed and updated regularly by the Title IX Coordinator. The Title IX Coordinator will submit modifications to this policy in a manner consistent with institutional policy upon determining that changes to law, regulation, or best practices require Policy or procedural alterations not reflected in this Policy and procedure.

This Policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon posting to the College's website.

# APPENDIX A

## Grievance Procedures for Sex Discrimination and Sex-Based Harassment Complaints for Employees Effective Aug. 1, 2024

### I. OVERVIEW

Munson and Pratt Munson College of Art and Design (collectively referred to as the "Institute") is committed to providing a learning and working environment in which all interpersonal relationships are based upon respect and dignity. Therefore, in accordance with Title IX of the Education Amendments of 1972 (Title IX), the Clery Act, the Violence Against Women Act; and New York Education Law Article 129-B, the Institute will not tolerate sex-based harassment or sexual misconduct, which are forms of discrimination on the basis of sex, that include any of the following when they impact or have the potential to impact the educational or employment environment of any members of the Institute community: sex discrimination, sex-based harassment; sexual assault; domestic or dating violence; stalking; sexual exploitation; or other behavior prohibited by the Sex Discrimination, Sex-Based Harassment, and Sexual Misconduct Policy (the "Policy").

The Institute's policy and processes relative to conduct prohibited under the Policy and the definition of Prohibited Conduct, are described generally in the Policy. As set forth in the Policy, the processes described in the Policy apply to any situation where a student is a reporting party/Complainant or responding party (as defined therein), and the Institute reserves the right to apply the processes described in the Policy or another applicable College policy or process in other situations. The Institute has established these Procedures to investigate and adjudicate allegations of Prohibited Conduct that (a) it determines fall within the scope of Title IX, and (b) do not involve a student as a reporting party/complainant or a responding party.

These Procedures are effective on Aug. 1, 2024, and will only apply to Prohibited Conduct (as defined in the Policy) that allegedly occurred on or after Aug. 1, 2024. For alleged misconduct allegedly occurring prior to Aug. 1, 2024, the Institute will respond and comply in accordance with the Title IX statute

### II. JURISDICTION OF PROCEDURES

As noted above, these procedures apply to the investigation and adjudication of allegations of Prohibited Conduct that (a) it determines fall within the scope of Title IX, and (b) do not involve a student as a reporting party/Complainant or a responding party. All complaints meeting the requirements of the Policy ("Complaints") received or filed by the Title IX Coordinator will be reviewed by the Title IX Coordinator, who will determine

whether the allegations meet the aforementioned criteria. The Title IX Coordinator may consult with other Institute officials for purposes of making this determination. If it is determined that the allegations fall within the scope of these Procedures, the Title IX Coordinator will:

- ▶ Offer, and if applicable provide or arrange for, resources and/or supportive measures in accordance with the Policy;
- ▶ Evaluate the complaint for potential dismissal in accordance with the Policy;
- ▶ If appropriate offer, and if agreed upon by the Parties and the Title IX Coordinator arrange for, an informal resolution process in accordance with the Policy; and
- ▶ If warranted, refer the complaint to the Office of Human Resources for investigation and adjudication in accordance with these Procedures.

To the extent information is discovered during the course of carrying out these Procedures suggesting that other College policies and/or procedures may have been violated, the Institute may either (a) address such potential violations in accordance with these Procedures, or (b) initiate a separate and independent investigation that is outside the scope of these Procedures that will be handled in accordance with applicable College policies and procedures. If it is determined that a complaint does not fall within the jurisdiction of these procedures, the Institute will consider whether an alternative College policy or procedure is more applicable.

### III. PRINCIPLES FOR HANDLING COMPLAINTS UNDER TITLE IX AND THESE PROCEDURES

- ▶ **Equitable Treatment:** The Institute will treat reporting parties/complainants and responding parties equitably.
- ▶ **Conflicts and Bias:** The Institute requires that any Title IX Coordinator, Investigator, or Decision Maker not have a conflict of interest or bias for or against reporting parties/Complainants or responding parties generally or an individual reporting party/Complainant or responding party. Under these procedures, a Decision Maker may be the same person as the Title IX Coordinator or investigator, a supervisor or other appropriately trained Institute employee, or an appropriately trained external resource appointed by the Title IX Coordinator.
- ▶ **Presumption:** The Institute presumes that the responding party is not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of these Procedures.

► **Reasonably Prompt Timeframes:** The Institute will attempt to review, investigate, and adjudicate a complaint within a reasonable time period, typically within no longer than 70 business days (exclusive of any appeal) after a complaint is made, provided that the process may be extended with notification to the parties for good reason, including but not limited to, the absence of Party or a Party's advisor (if applicable), or a witness; concurrent law enforcement activity; breaks in the academic schedule; or approved extensions. The timeframes of the major stages of the process are estimated as follows: Intake: five days; Investigation: 25 days; Evidence Review: 20 days; Determination/Adjudication: 20 days; and (if applicable) Appeal: 15 days. Both Parties will be notified simultaneously if the Institute determines the process cannot be concluded within 70 days. The notification will outline the reasons for extension.

► **Privacy:** The Institute will take reasonable steps to protect the privacy of the Parties and witnesses under these procedures in accordance with the Policy. This means that Institute officials and employees who cannot guarantee confidentiality will maintain privacy to the greatest extent possible, consistent with the Institute's obligations as employer and the need for the Title IX Coordinator to identify and address patterns and systemic issues. The Institute will limit disclosures as much as practicable, even if the Title IX Coordinator determines that a request for confidentiality cannot be honored.

► **Objectivity:** The Institute will objectively evaluate all evidence that is relevant and not impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a reporting party/Complainant, responding party, or witness.

► **Advisors:** In cases involving allegations of sexual assault, domestic violence, dating violence or stalking, the parties will be entitled to be accompanied by an advisor of choice (provided that any cost associated with a paid advisor will be the responsibility of that party) to the extent required by the federal Violence Against Women Act of 1994 (VAWA).

► **Impermissible Evidence:** The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the Institute to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are otherwise relevant:

- evidence that is protected under a privilege as recognized by federal or state law or evidence provided to a Confidential Resource, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- a party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional

or paraprofessional in connection with the provision of treatment to the party or witness, unless the Institute obtains that party's or witness's voluntary, written consent for use in the investigation and adjudication process; and

- evidence that relates to the reporting party/complainant's sexual interests or prior sexual conduct, unless evidence about the prior sexual conduct is offered to prove that someone other than the responding party committed the alleged conduct or is evidence about specific incidents of the alleged reporting party/Complainant's prior sexual conduct with the responding party that is offered to prove consent.

#### IV. INVESTIGATION AND ADJUDICATION PROCEDURE FOR COMPLAINTS OF PROHIBITED CONDUCT FOR EMPLOYEES

##### A. Notice of Allegations

Upon initiation of the investigation and adjudication process under these Procedures, the Institute will notify the parties, verbally or in writing, of the following:

- The applicable process under these procedures;
- Sufficient information available at the time to allow the parties to respond to the allegations, including (to the extent known) the identities of the parties involved in the incident(s), the conduct alleged to constitute Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);
- That Retaliation is prohibited; and
- That the parties are entitled to an equal opportunity to access and respond to the relevant and not impermissible evidence, or an accurate description of such evidence, as provided in these Procedures.

If, in the course of an investigation, the Institute decides to investigate additional allegations of Prohibited Conduct that are not included in the notice, the Institute will notify the Parties of the additional allegations.

##### B. Investigation

The Institute will provide for an adequate, reliable, and impartial investigation of complaints. Investigations will be conducted by trained, impartial investigators. Investigators may be appropriately trained Institute personnel, or external investigators, as appointed by the Title IX Coordinator.

The burden is on the Institute—not on the Parties—to conduct an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. The Institute will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible. The Institute will keep the investigation confidential to the extent reasonably possible and in keeping with applicable

law. All employees, including managers and supervisors, are required to cooperate with any internal investigation. The Institute will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible.

The Institute will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of Prohibited Conduct and not otherwise impermissible, or a written or verbal description of such evidence, and to respond to such evidence before a determination is made. This description may, but is not required to, take the form of an Investigative Report that fairly summarizes the relevant and not impermissible evidence. If the Institute provides an Investigative Report or other description of the relevant and not impermissible evidence, it will provide the Parties an equal opportunity to access the evidence upon request.

The Institute will take reasonable steps to prevent and address the Parties' unauthorized disclosure of information and evidence obtained solely through these procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of Prohibited Conduct are authorized.

#### **C. Questioning Parties and Witnesses to Aid in Evaluating Allegations and Assessing Credibility**

When a Party's or witness's credibility is in dispute, and such dispute is relevant to evaluating one or more allegations of Prohibited Conduct, the Investigator and/or Decision Maker must have an opportunity to question such Party or witness. If applicable, this will occur during individual meetings with a Party or witness.

#### **D. Determination Regarding Responsibility**

Following an investigation and evaluation of all relevant and not impermissible evidence, the Institute will:

- ▶ Use the preponderance of the evidence standard of proof to determine whether Prohibited Conduct occurred. That means that cases shall be determined as to whether it is more likely than not that the responding party committed the alleged violation(s). This determination will be made by an appropriate Institute official.
- ▶ Notify the Parties in writing of the determination whether Prohibited Conduct occurred, including the rationale for such determination, and, if applicable, the procedures and permissible bases for the reporting party/Complainant and responding party to appeal;
- ▶ Not impose discipline on a responding party unless there is a determination at the conclusion of the process that the responding party engaged in Prohibited Conduct.

If there is a determination that Prohibited Conduct occurred, the Title IX Coordinator will, as appropriate, coordinate the provision and implementation of remedies to a reporting party/Complainant; coordinate the imposition of any disciplinary sanctions on a responding party [which sanctions may be determined by the Decision Maker or their designee (who may include, without limitation, the responding party's direct or indirect manager or supervisor, or other appropriate College personnel)], including notification to the reporting party/Complainant of any such disciplinary sanctions. Employees who are found responsible will be issued discipline in accordance with the College's Employee Handbook; and will take other appropriate prompt and effective steps to ensure that Prohibited Conduct does not continue or recur within the Institute's education program or activity.

#### **E. Appeals OPTIONAL**

Appeals regarding the dismissal of a complaint (or allegations within a complaint) or the determination as to responsibility or sanctions shall be addressed in accordance with the Policy.

#### **V. INTERPRETATION/OTHER ISSUES**

Final interpretation of these Procedures is vested in the Title IX Coordinator, who will have discretion to construe any uncertain or disputed provisions. Issues that are not specifically addressed in this Policy may be resolved by the Title IX Coordinator in their discretion. Without limiting the generality of the foregoing, the Title IX Coordinator will have discretionary authority to interpret, construe, and apply the terms of these procedures in conjunction with the terms of the Policy, and to resolve any conflicts between such terms.

#### **VI. DELEGATION OF AUTHORITY AND USE OF EXTERNAL RESOURCES**

Any Institute administrator or official whom these Procedures empower to act may request that the Title IX Coordinator delegate that authority to another appropriate Institute official, or the Title IX Coordinator in their own discretion may delegate that administrator's or official's authority to act to another appropriate person. The Title IX Coordinator may also delegate their responsibilities and/or authorities under these procedures to any other appropriate official. Delegation of authority may be necessary to avoid conflicts of interest or where time constraints or other obligations prevent an Institute official named in these procedures from fulfilling their designated role.

The Institute may utilize appropriately trained external personnel for any role under these procedures as it may deem necessary or appropriate. Any Institute administrator or official involved in implementing these procedures may seek the advice of the Institute's legal counsel, to be coordinated through the Title IX Coordinator.